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Consultation outcome

Decisions: Regulating Level 2 and Below Qualifications Supporting Progression to

Higher Levels of Study

Updated 13 July 2023

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Introduction

Background

The Department for Education (DfE) is conducting a review of post-16 qualifications at level 2 and below (L2B). The aim of the review, as set out in DfE's consultation response, is to:

" ensure that all qualifications available within the new landscape are high quality and have a clear purpose, giving students the knowledge and skills to achieve positive outcomes, whether they are progressing to further study, on to an apprenticeship, traineeship or supported internship, or into employment."

DfE has set out which qualifications will be funded in the new qualifications landscape. This includes Entry level, Level 1 and Level 2 qualifications supporting progression to higher levels of study (now called Progression Qualifications) which includes:

- Level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme, (now called Level 2 Technical Progression Qualifications)
- Level 2 qualifications supporting progression to level 3 alternative academic qualifications, (now called Level 2 Academic Progression Qualifications)
- Level 1 pre-technical qualifications supporting progression to higher level technical qualifications, (now called Level 1 Progression Qualifications)
- Entry level qualifications supporting progression to level 1 pre-technical qualifications, (now called Entry level Progression Qualifications)

These qualifications are expected to be primarily taken by young people as part of a one-year study programme, alongside other components including English and maths. They may also be taken by

adults outside of a study programme.

Ofqual's approach to regulating these qualifications has been designed to strengthen our regulation of them. It will work in conjunction with the funding approvals process being put in place by DfE. Ofqual will provide feedback to DfE as part of that funding approval process and DfE will decide which qualifications are eligible for public funding.

Ofqual <u>consulted upon its proposals for these qualifications</u>, between March and May 2023. This document sets out Ofqual's decisions following this consultation.

Consultation

The policy consultation sought views on Ofqual's proposed regulatory approach to Level 2 Technical Progression Qualifications, Level 2 Academic Progression Qualifications, Level 1 and Entry level Progression Qualifications. This included questions on the equalities and regulatory impacts of the proposals, as well as on their impact on the ability of awarding organisations to innovate.

The consultation was set out in 4 parts:

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

This document sets out Ofqual's decisions following this consultation. In reaching these decisions, Ofqual has considered:

- the consultation responses received
- the respective roles and responsibilities of Ofqual and DfE in the future landscape

Summary of decisions

Ofqual has decided to implement the regulatory approach to these qualifications, largely as proposed in the policy consultation. Namely:

Assessment strategies

Ofqual will require awarding organisations to develop, follow, and keep under review, an assessment strategy setting out its approach to the design, development, delivery and award of these qualifications. This will help to secure the initial quality of qualifications and support their effective regulation in the interest of students and promote their continuous improvement by awarding organisations.

General purposes

Ofqual will set the general purposes for these qualifications in its regulatory framework. Ofqual will require awarding organisations to ensure that the specific purposes for each of their qualifications are in line with the general purposes and explain how their qualification will fulfil those purposes. Ofqual will also require that the general purposes for these qualifications are prioritised according to the order in which they are set out. 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 assessment.

Ofqual will also disapply General Conditions E1.1 and E1.2 (Qualifications having an objective and support) to ensure there is no conflict or duplication between these general purposes and Ofqual's General Conditions.

Grading

Ofqual will issue statutory guidance with respect to grading which awarding organisations will be expected to have regard to when developing their grading scales for these qualifications. 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.

Ofqual review

Ofqual will 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. 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.

Managing the withdrawal of approval for public funding

Ofqual will require an awarding organisation to inform it when approval for public funding is withdrawn for these qualifications. Ofqual will then decide when the additional conditions, requirements and guidance for these qualifications will cease to apply. This will ensure that Ofqual can take steps to protect the interest of students already partway through one of these qualifications, if public funding is withdrawn.

Details

Ofqual has decided to implement the regulatory approach to these qualifications as set out in this document.

Part 1: Purposes for Level 2 Technical Progression Qualifications and Level 2 Academic Progression Qualifications

What Ofqual proposed

Ofqual proposed to set the general purposes in its regulatory framework for Level 2 Technical and Academic Progression Qualifications and to require awarding organisations to ensure that the specific purposes for each of their qualifications are in line with the general purposes, and explain how their qualification will fulfil those purposes.

The proposed general purposes for Level 2 Technical Progression Qualifications were:

- Purpose 1: The qualification will 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 on to 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

The proposed general purposes for Level 2 Academic Progression Qualifications were:

- Purpose 1: The qualification will provide students with a breadth of knowledge, skills and understanding that prepares them for level 3 alternative academic qualifications
- Purpose 2: The qualification will demonstrate students' understanding of theoretical content and ability to apply it in a range of relevant 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 academic 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 on to higher level study in the relevant subject area
- 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

Ofqual acknowledged that there might be points in the design process where an awarding organisation may have to make a trade-off between the purposes. It was proposed that in such instances the general purposes should be prioritised according to the order in which they were set out (1 to 5).

Ofqual also proposed that, to avoid confusion or duplication, General Conditions E1.1 and E1.2 (Qualifications having an objective and support) would be disapplied for these qualifications, to ensure there is no conflict or duplication between the proposed general purposes and Ofqual's General Conditions.

Respondents were asked to what extent they agreed or disagreed with these proposals, and to provide any comments on the proposed set of general purposes.

Responses received

General purposes for Level 2 Technical Progression Qualifications

Respondents generally agreed with the proposed set of general purposes for these qualifications and with the proposed order of prioritisation.

The alignment of the proposed general purposes with those for level 3 Technical Occupation Qualifications and other Progression Qualifications was noted.

Ofqual, however, received feedback that students taking qualifications at these levels often do not have a clear progression pathway in mind and that these qualifications should therefore prepare students for a range of destinations.

Some respondents commented that there should be a smaller number of purposes, possibly limited to Purposes 1 and 2. It was also suggested that the proposed purposes were design principles, rather than purposes.

Some respondents welcomed the potential for awarding organisations to make trade-offs between potentially conflicting purposes. However, Ofqual also received some feedback that the purposes should be prioritised in a different order.

Several respondents said that these qualifications needed to be engaging to students, particularly those with developmental and support needs. The importance of learning through practical

application, and the need for an appropriate balance of knowledge and skills, was also referred to.

It was also suggested that the general purposes should be referenced consistently for all groups of qualifications – using letters rather than numbers.

General purposes for Level 2 Academic Progression Qualifications

Respondents generally agreed with the proposed set of general purposes for these qualifications and with the proposed order of prioritisation.

It was, however, suggested that the proposed general purposes for these qualifications should refer to the application of knowledge, skills and understanding in practical contexts, consistent with the proposed general purposes for the other Progression Qualifications.

Where respondents disagreed with the proposed purposes, it was largely on the basis that they felt 5 purposes to be too many for these qualifications. Some respondents also said that level 2 qualifications should have to have a broad overall purpose, rather than be aligned to specific progression routes.

Respondents also welcomed the flexibility that would be afforded to awarding organisations to make trade-offs between the purposes. However, it was also suggested that this flexibility could lead to variations between qualifications provided by different awarding organisations.

Some respondents commented on the overlap between the general purposes and the proposed assessment strategy requirements, which they felt was unnecessary and could create additional burden.

Disapplication of General Conditions E1.1 and E1.2 in respect of these level 2 qualifications

Respondents largely agreed with the proposal to disapply General Conditions E1.1 and E1.2 in respect of both of these groups of level 2 qualifications.

Where respondents agreed with the proposal, they did so on the basis that disapplying these General Conditions would ensure there was no duplication.

Where respondents disagreed with the proposal, some suggested that disapplying these General Conditions was not necessary. Some respondents observed that the purposes for these qualifications did not cover all the potential objectives listed in General Condition E1.2, such as preparing students for employment. It was also noted that Conditions E1.1 and E1.2 make reference to a qualification objective whereas the consultation set out proposed purposes.

Decision

Ofqual has decided to specify the general purposes for Level 2 Technical Progression Qualifications and Level 2 Academic Progression Qualifications. Qualification purposes are a key part of Ofqual's regulatory approach. High quality qualifications should have a clear purpose and be designed to meet that purpose.

Awarding organisations will be required to ensure that the specific purposes for each of their qualifications are in line with these general purposes and explain how their qualification will fulfil those purposes.

The purposes will be prioritised in the order set out in the proposed regulatory framework. For consistency with the Level 3 Alternative Academic Qualification and T Level Foundation Qualification general purposes, Ofqual has decided to use A to E, rather than number them 1 to 5.

Ofqual's view is that all the proposed general purposes are necessary to achieve the minister's intention for these qualifications to facilitate progression to higher levels of study. The inclusion of Purposes 4 and 5 (now D and E) will enable students to use their attainment on a Level 2 Technical Progression Qualification or Level 2 Academic Progression Qualification as evidence to help them to progress to further study or employment.

Ofqual has considered the feedback suggesting a different order of priority for the general purposes. There was no consensus on what an alternative order of prioritisation should be. Ofqual's view is that the proposed order of prioritisation reflects the ministerial intentions for these qualifications, placing an appropriate emphasis on student engagement.

Ofqual notes the confusion among some respondents between the general purposes and assessment strategy requirements. The general purposes and assessment strategy requirements are not a duplication of one another. Awarding organisations are expected to explain in their assessment strategy, how they have met the general purposes to the fullest extent possible when designing their qualifications.

Ofqual does not propose to include a reference to 'practical application' in the general purposes for Level 2 Academic Progression Qualifications. This is to distinguish between the general purposes for this group and the Level 2 Technical Progression Qualifications. The focus and purpose of these qualifications is the development of academic study skills, rather than application of knowledge and skills in practical contexts.

Ofqual has, however, decided to make some minor changes to the drafting of the general purposes. This is to make the presentation more consistent with the general purposes for Level 3 Alternative Academic Qualifications and to achieve greater consistency between purposes 1 and 2 (now purposes A and B). Ofqual will consult on this <u>change in the technical consultation</u> published alongside this document.

The updated general purposes for Level 2 Technical and Academic Progression Qualifications are set out below:

General purposes for Level 2 Technical Progression Qualifications

- Purpose A: Demonstrating that Learners have the breadth of knowledge, skills, and understanding that prepares them to take a Level 3 technical qualification that is not delivered as part of a T Level programme.
- Purpose B: Demonstrating Learners' ability to apply their knowledge, skills and understanding in relevant practical contexts.
- Purpose C: Supporting an engaging programme of learning that enables and motivates Learners who are preparing for progression to Level 3 technical study.
- Purpose D: Providing evidence of attainment that can be used in combination with other information to inform decisions about a Learner's readiness to progress onto higher levels of study in the relevant occupational pathway.

Purpose E: Providing evidence to differentiate between Learners' attainment in relation to the knowledge, skills and understanding assessed as part of the qualification.

General purposes for Level 2 Academic Progression Qualifications

The general purposes for Level 2 Academic Progression Qualifications will therefore be:

- Purpose A: Demonstrating that Learners have the breadth of knowledge, skills, and understanding that prepares them to take a Level 3 Alternative Academic Qualification.
- Purpose B: Demonstrating Learners' understanding of theoretical content and their ability to apply it in a range of relevant contexts.
- Purpose C: Supporting an engaging programme of learning that enables and motivates Learners who are preparing for progression to Level 3 academic study.
- Purpose D: Providing evidence of attainment that can 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 E: Providing evidence to differentiate between Learners' attainment in relation to the knowledge, skills and understanding assessed as part of the qualification.

Ofqual has also decided to disapply General Conditions E1.1 and E1.2. Disapplying Conditions E1.1 and E1.2 does not mean that these qualifications will not have an objective. Awarding organisations will be required to ensure that the specific purposes for each of their qualifications are in line with the general purposes and explain how their qualification will fulfil those purposes in their assessment strategies. The objectives in Condition E1.2 are examples only, they are not intended to suggest that all qualifications must have an objective related to, for example, preparing students for employment or supporting a role in the workplace.

Part 2: Purposes for Level 1 Progression Qualifications and Entry level Progression Qualifications

What Ofqual proposed

Ofqual proposed to set the general purposes in its regulatory framework for Level 1 and Entry level Progression Qualifications and to require awarding organisations to ensure that the specific purposes for each of their qualifications are in line with the general purposes and explain how their qualification will fulfil those purposes.

The proposed general purposes for Level 1 Progression Qualifications were:

- Purpose 1: The qualification will provide students with a breadth of knowledge, skills and understanding that prepares them for level 2 technical qualifications
- Purpose 2: The qualification will demonstrate students' ability to apply 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 considering progressing to level 2 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 on to higher level study in the relevant occupational pathway

The proposed general purposes for Entry level Progression Qualifications were that:

- Purpose 1: The qualification will support an engaging course of learning that motivates and (re-) engages students, who are considering progressing to level 1 study
- Purpose 2: The qualification will provide students with a breadth of knowledge, skills and understanding that prepares them for relevant level 1 qualifications
- Purpose 3: The qualification will demonstrate students' ability to apply knowledge, skills and understanding in relevant practical contexts
- 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 on to level 1 pre-technical study

Ofqual acknowledged that there might be points in the design process where an awarding organisation may have to make a trade-off between the purposes. It was proposed that in such instances the general purposes should be prioritised according to the order in which they were set out (1 to 5).

Ofqual also proposed that, to avoid confusion or duplication, General Conditions E1.1 and E1.2 (Qualifications having an objective and support) would be disapplied for these qualifications, to ensure there is no conflict or duplication between the proposed general purposes and Ofqual's General Conditions.

Respondents were asked to what extent they agreed or disagreed with these proposals, and to provide any comments on the proposed set of general purposes.

Responses received

General purposes for Level 1 Progression Qualifications

Respondents mostly agreed with the proposed set of general purposes for these qualifications and with the proposed order of prioritisation.

Respondents suggested that having a set of general purposes for these qualifications would improve the credibility of these qualifications and promote consistency of approach. The flexibility for awarding organisations to manage trade-offs between purposes was also supported.

Where respondents disagreed with the proposals, some did so on the basis that there were too many purposes and that not all of the purposes were necessary.

There was also some disagreement with the prioritisation of the purposes, it was suggested, for example, that Purpose 3 should be the highest priority.

Several respondents said that flexibility in qualification design would be important given the wide range of students who will take these qualifications. It was also suggested that if level 1 qualifications are developed within occupational routes, this could limit students' progression outcomes, especially students with SEND. It was also suggested that these qualifications should

enable students to progress to destinations other than to further study, such as to employment. To benefit students with SEND, it was also proposed that there should be new purposes relating to employability and transferable skills.

General purposes for Entry level Progression Qualifications

Respondents generally agreed with the proposed set of general purposes for these qualifications and with the proposed order of prioritisation.

It was noted that the proposed general purposes align with those previously introduced for other technical qualifications. Respondents were also supportive of the prioritisation of the engagement general purpose, commenting that the qualifications must be engaging and include practical application of content which is of interest to the student. It was also suggested that student engagement should be the top priority for all the Level 1 and 2 Progression Qualifications in scope of this consultation.

Ofqual also received feedback that the proposed general purposes did not sufficiently take account of the needs of the students likely to take these entry level qualifications and weren't sufficiently differentiated from the proposed general purposes for Level 1 Progression Qualifications.

Some respondents commented that as these qualifications may be taken by students who will not progress to higher levels qualifications, including students with SEND, additional areas such as work-based learning, preparation for adulthood and life skills should be included in the general purposes for these qualifications.

Where respondents disagreed with the proposal, this was mostly because they thought the number of general purposes could be reduced, even limited to just Purpose 1, or that the general purposes duplicated the proposed assessment strategy requirements for these qualifications.

Disapplication of General Conditions E1.1 and E1.2 in respect of these level 1 and entry level qualifications

Respondents largely agreed with the proposal to disapply General Conditions E1.1 and E1.2 in respect of these groups of qualifications.

Some respondents agreed that the proposed general purposes would remove the need for the General Conditions. They also noted the alignment with the disapplication of these conditions for level 3 reformed qualifications and the proposal for other level 2 qualifications.

Some respondents disagreed with the proposed disapplication of General Conditions E1.1 and E1.2 because they thought this would mean that the qualifications would not have an objective at all. It was also suggested that disapplying E1.2 could leave a gap in accessible provision and that the proposed purposes did not include some of the objectives listed in E1.2 such as preparing students to enter the workplace.

Decision

As noted above, qualification purposes are a key part of Ofqual's regulatory approach. Ofqual has therefore decided to specify the general purposes for Level 1 and Entry level Progression Qualifications. Awarding organisations will be required to ensure that the specific purposes for each of their qualifications are in line with these general purposes and explain how their qualification will

fulfil those purposes. The purposes will be prioritised in the order set out (A to D).

As at Level 2, Ofqual's view is that all the proposed general purposes are necessary for these qualifications to achieve the minister's intentions and to facilitate progression to higher levels of technical study. The proposed general purposes place an appropriate emphasis on ensuring students develop the knowledge, skills and understanding needed to progress to the next level of study. Purposes 2 and 3 (now B and C) will also require awarding organisations to develop qualifications which provide opportunities for students toapply knowledge, skills and understanding in relevant practical contexts.

The purposes will be prioritised in the order set out in the proposed regulatory framework. For consistency with the Level 3 Alternative Academic Qualification and T Level Foundation Qualification general purposes, Ofqual has decided to label the general purposes A to D, rather than number them 1 to 4.

Ofqual's view is that the proposed order of prioritisation of the general purposes for Entry level Progression Qualifications recognises the importance of engagement at this level to motivate and (re-) engage students.

Ofqual has, however, decided to make some minor changes to the drafting of the general purposes. This is to make the presentation more consistent with the general purposes for Level 3 Alternative Academic Qualifications and to achieve greater consistency between purposes 1 and 2 for Level 1 Progression Qualifications (now purposes A and B) and purposes 2 and 3 for Entry level Progression Qualifications (now purposes B and C). Ofqual will consult on this change in the technical consultation published alongside this document.

The updated general purposes for Level 1 and Entry level Progression Qualifications are set out below:

General purposes for Level 1 Progression Qualifications

- Purpose A: Demonstrating that Learners have the breadth of knowledge, skills, and understanding that prepares them to take Level 2 technical qualifications.
- Purpose B: Demonstrating Learners' ability to apply their knowledge, skills and understanding in relevant practical contexts.
- Purpose C: Supporting an engaging programme of learning that enables and motivates Learners who are considering progression to Level 2 technical study.
- Purpose D: Providing evidence of attainment that can be used in combination with other information to inform decisions about a Learner's readiness to progress to higher level study in the relevant occupational pathway.

General purposes for Entry level Progression Qualifications

- Purpose A: Supporting an engaging programme of learning that enables and motivates Learners who are considering progression to Level 1 study.
- Purpose B: Demonstrating that Learners have the breadth of knowledge, skills, and understanding that prepares them for relevant Level 1 qualifications.
- Purpose C: Demonstrating Learners' ability to apply their knowledge, skills and understanding in

relevant practical contexts.

 Purpose D: Providing evidence of attainment that can be used in combination with other information to inform decisions about a Learner's readiness to progress to Level 1 pre-technical study.

Ofqual has also decided to disapply General Conditions E1.1 and E1.2. Some respondents felt that by disapplying Conditions E1.1 and E1.2, the qualifications would not have an objective. Disapplying Conditions E1.1 and E1.2 does not mean these qualifications will not have an objective. Awarding organisations will be required to ensure that the specific purposes for each of their qualifications are in line with the general purposes and explain how their qualification will fulfil those purposes in their assessment strategies. The objectives in Condition E1.2 are examples only, they are not intended to suggest that all qualifications must have an objective related to, for example, preparing students for employment or supporting a role in the workplace.

Part 3: Assessment and Grading

Grading

What Ofqual proposed

Ofqual proposed to issue statutory guidance that awarding organisations will be required to consider when developing their overall approach to grading for these qualifications. The consultation set out a number of principles and considerations that awarding organisations would be required to take account of when determining their approach to grading for the qualifications they are designing.

Ofqual also proposed 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.

Respondents were asked to what extent they agreed or disagreed with the proposal for each of the four groups of qualifications in scope of the consultation. Respondents were also asked to what extent they agreed or disagreed with the proposed principles and considerations to determine the grading scale for the qualifications in scope of this consultation and to provide any comments.

Responses received

Respondents generally agreed with the proposal for Ofqual to issue statutory guidance for the grading scales used for the qualifications in scope of this consultation. There was slightly less agreement for Level 1 and Entry level Progression Qualifications.

It was noted that GCSE and A levels use consistent grading scales and it was suggested the same should apply for alternative academic and alternative technical qualifications at level 2, with a Pass, Merit, Distinction grading scale proposed for consistency with T Level Foundation Qualifications.

Some respondents said that the introduction of statutory guidance would help to bring about a

consistent approach between awarding organisations providing these qualifications.

Other respondents questioned the need for Ofqual to issue grading guidance for these qualifications, when it had not been introduced for all level 3 qualifications. Some respondents said that this was particularly the case for level 1 and entry level qualifications where greater flexibility is needed in qualification design.

Respondents also agreed with the proposed principles and considerations on the basis they would ensure greater consistency across and comparability between qualifications. It was also asked whether the proposed principles and considerations would cover existing qualifications or only qualifications submitted as part of the new funding approvals process.

Ofqual was also asked for there to be consistency in the approach across Level 3 Alternative Academic Qualifications and other vocational and technical qualifications.

Some respondents said it was unclear what would be included in the statutory guidance that was not already addressed by the GCR.

Decision

Ofqual has decided to issue statutory guidance to set out principles and considerations for awarding organisations when selecting a grading scale for Level 2 Technical Progression Qualifications, Level 2 Academic Progression Qualifications, Level 1 Progression Qualifications and Entry level Progression Qualifications.

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

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 has considered the feedback as to whether grading guidance is necessary and proportionate for Entry level and Level 1 Progression Qualifications. Ofqual's view is that the guidance will help to improve awarding organisations' thinking around their approach to grading, and that this is important for all levels of qualifications. Ofqual has already issued similar guidance for Level 3 Alternative Academic qualifications. It did not do so for Level 3 Technical Occupation qualifications because IfATE has issued the approval criteria for these qualifications, in line with its role in the DfE's funding approvals process.

Ofqual's view is that to prescribe a common grading scale for these qualifications would not be proportionate. These qualifications will cover a wide range of different sectors and occupational areas, there is no common content and Ofqual is not specifying any assessment requirements.

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

Assessment strategies

What Ofqual proposed

Ofqual proposed to put in place a requirement that awarding organisations must develop, follow, and keep under review, an assessment strategy. This means that for each qualification that it offers, an awarding organisation would be expected to justify and provide a rationale for the approach to design, delivery, assessment, and other aspects of the qualification. The consultation set out the main areas that an assessment strategy should cover.

Respondents were asked to what extent they agreed or disagreed with the proposed approach to require awarding organisations to develop, follow and keep under review an assessment strategy for these qualifications.

Respondents were also asked if they had any views on the areas proposed for inclusion in assessment strategies.

Responses received

Respondents generally agreed with the proposal to require awarding organisations to develop,

follow and keep under review an assessment strategy for these qualifications, and with the areas proposed for inclusion in assessment strategies.

There were differing views about the proposal among awarding organisations. Some said that the proposal reflected current practice and the proposed requirements were reasonable and similar to those for other qualifications. Others referred to the increase in burden the requirements would place on awarding organisations.

Some respondents also questioned whether assessment strategies were necessary for level 2 and below qualifications, noting that they were not a requirement for level 1 qualifications that are prerequisites to employment. Some respondents sought clarification on aspects of the proposals, including:

- the extent to which a standard format for assessment strategies could be used
- the assessment strategy review process
- what Ofqual's feedback on each assessment strategy would look like
- the time periods designated for periodic review of assessment strategies
- whether there may be a tiered approach to review, with new qualifications having a different assessment strategy review period to qualifications which are more established

It was also suggested that there should be a single section covering moderation or Centre Assessment Standards Scrutiny (CASS) for centre-marked assessments in assessment strategies.

Decision

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

Assessment strategies are a key part of Ofqual's overall regulatory approach. Ofqual knows from previous experience that setting assessment strategy requirements helps to ensure it has the necessary information to regulate qualifications effectively.

Ofqual's view is that setting assessment strategy requirements is proportionate for these Progression Qualifications and will ensure Ofqual has access to the necessary information to inform its feedback to DfE as part of the approvals process, as well as facilitating its ongoing regulation of these qualifications.

Ofqual will set detailed requirements that specify the information awarding organisations would be expected to include in an assessment strategy. These requirements are <u>included in the technical consultation</u> which has been published alongside this decisions document. As far as possible, Ofqual has made these requirements consistent with those put in place for other qualifications to minimise burden on awarding organisations.

Ofqual has not specified a template that awarding organisations will be expected to use for their assessment strategy. Awarding organisations will be able to present their assessment strategy in any format that meets all the requirements. This includes providing one assessment strategy document that covers multiple qualifications.

DfE provides information about the funding approval process in its <u>qualification funding approval</u> <u>manual: 2025 to 2026</u>. Ofqual will provide further information about the submission process in due course.

Ofqual review of these qualifications

What Ofqual proposed

Ofqual proposed that, following a review by Ofqual, an awarding organisation must comply with any requirements, and consider any guidance, specified to it by Ofqual in relation to the qualification.

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

Responses received

Respondents generally agreed with the proposal to require an awarding organisation to comply with any requirements, and consider any guidance, specified to it by Ofqual in relation to a qualification.

Some awarding organisations who agreed with the proposed approach also suggested that the requirement could lead to increased burden on both awarding organisations and on Ofqual. Clarification was also sought on how the process would work alongside DfE's funding approvals process and whether awarding organisations should be able to appeal against Ofqual requirements where they could cause problems for providers or students.

Ofqual also received feedback that it would be disproportionate to apply the review proposal to level 1 and entry level qualifications based on the risk posed by these qualifications.

The lack of a role for trade associations and sector skill bodies in the qualification approvals process was also raised as a reason for disagreement with the proposal.

Decision

Ofqual has decided to put in place a requirement that, following a review by Ofqual, an awarding organisation must comply with any requirements, and consider any guidance, specified to it by Ofqual in relation to these qualifications.

This requirement is important to ensure the quality of qualifications. It will provide clarity to awarding organisations that issues identified during the approval stage that cannot be fully resolved in advance of approval must still be addressed. This will mean students can have confidence in the qualifications they are taking.

Ofqual also considers that this review requirement will complement DfE's approval functions, providing an effective regulatory tool to manage in delivery those qualifications approved by DfE, by ensuring that issues identified during the approval process are fully addressed but do not delay the development of the qualifications.

In introducing this requirement, Ofqual is conscious of its roles in relation to these qualifications – it is for DfE to approve qualifications and Ofqual to inform that process and regulate approved

qualifications in delivery. Ofqual will continue to work with DfE to ensure that the review process does not delay when these qualifications can be made available.

Management of the withdrawal of approval for public funding

What Ofqual proposed

Ofqual proposed 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 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.

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

Responses received

Responses to this question were mixed, with as many respondents agreeing with the proposal as disagreeing.

Where respondents agreed with the proposal it was on the basis that students' interests need to be protected and that they could otherwise be disadvantaged.

Where respondents disagreed with the proposal it was on the basis that they felt DfE should provide the information to Ofqual without awarding organisations needing to be involved. Some respondents thought this placed an unnecessary burden on awarding organisations and could result in a lack of clarity about which qualifications were approved for funding.

Clarification was also sought on what type of public funding the requirement would apply to, with the respondent referring to public funding from Combined Authorities.

Decision

Ofqual has decided to put in place a requirement for awarding organisations to inform Ofqual about the withdrawal of public funding for one of their qualifications is withdrawn, explain the circumstances for this, and request that any additional requirements cease to apply. This is consistent with the approach taken for other post-16 qualifications which will be approved by DfE for public funding.

Condition D6.3 and D6.4 already require awarding organisations to give Ofqual reasonable notice of the withdrawal of a qualification and to prepare, maintain and comply with a written withdrawal plan to explain how the interests of students will be protected. This new requirement is necessary because the additional conditions requirements and guidance that Ofqual has decided to put in place for these Progression Qualifications, only apply to qualifications which are approved for funding by DfE. Once an awarding organisation's qualifications are no longer approved for funding, they will no longer apply, and the funded version of that qualification is therefore being withdrawn.

Ofqual works closely with DfE to ensure that relevant information is shared between the

organisations. It is important, however, that awarding organisations engage directly with Ofqual to allow Ofqual to manage the disapplication of these additional requirements as appropriate. This will help to protect the interests of the students who are in the process of taking the qualifications when approval for public funding is withdrawn.

Equality impact assessment

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

In the policy consultation, Ofqual set out the possible equality impact on students who share a protected characteristic arising from the proposals. This included:

• a potential positive impact arising from the assessment strategy and Ofqual's review proposals

Ofqual did not identify any equalities impacts, positive or negative, on students who share protected characteristics arising from the following proposals:

- purposes
- assessment
- approach to determining grading scales
- withdrawal of approval for public funding

Respondents were asked if there were any other equalities impacts (positive or negative) on students who share a particular protected characteristic arising from the proposals.

The consultation also sought views on potential additional steps that Ofqual could take to mitigate potential negative impacts arising from the proposals, on students who share a particular protected characteristic.

Responses received

No additional equalities impacts were identified by respondents beyond those originally identified in the consultation. Many of the comments mentioned students who share a particular protected characteristic, without providing specific examples of what the impact on those students could be or how it could be mitigated.

Some respondents referred to the high proportion of students likely to take these qualifications that come from disadvantaged backgrounds or with SEND. This meant that the proposals would disproportionally impact those students. Some respondents also commented on the potential impact of government funding decisions on the qualifications available to these groups of students.

Some respondents requested clarity on the adaptations to be provided for students with SEND. It

was also suggested that alternative assessment methods should be made available for students with SEND.

Some respondents said that the post-16 qualifications review could create a gap in the market for vulnerable students if it led to a lack of qualifications supporting progression from entry level to level 1 pre-technical qualifications.

Ofqual received feedback that neither students nor training providers should be penalised if the progression outcome does not match the specified purposes of a qualification. It was suggested that Ofqual could work with the Further Education (FE) sector and colleges to mitigate potential negative impacts.

Decision

Respondents did not identify any additional potential equality impacts as a result of the proposals, beyond those identified in the consultation.

In terms of making assessments available for students with SEND, Progression Qualifications will be regulated against Ofqual's General Conditions of Recognition (GCR). Awarding organisations will therefore need to comply with <u>Condition G6 (Arrangements for Reasonable Adjustments</u>). This condition requires awarding organisations to, for example, make reasonable adjustments available so that disabled learners can demonstrate their knowledge, skills and understanding.

In designing these qualifications, awarding organisations will have to meet, on an ongoing basis, obligations imposed under the General Conditions and their wider equalities obligations under the 2010 Equality Act. Condition D2 (Accessibility of qualifications) requires that awarding organisations ensure they comply with the requirements of equalities law and monitor qualifications for any feature that could disadvantage a group of students who share a particular characteristic and, where these cannot be justified, remove them.

Ofqual has shared the feedback about the potential impact of the reformed landscape on particular groups of students with DfE.

Regulatory impact assessment

In the policy consultation, Ofqual acknowledged that some of the proposals may have a cost or resource impact on awarding organisations. The consultation set out Ofqual's regulatory impact assessment in which Ofqual recognised that:

- the assessment strategy and Ofqual review proposals had the potential to cause some limited, additional burden for awarding organisations
- the proposal to disapply <u>General Conditions E1.1 and E1.2 (Qualifications having an objective</u> and <u>support</u>) could reduce the regulatory burden of the proposal to adopt general purposes for

these qualifications

- the proposal to require awarding organisations to have regard to statutory guidance when determining the grading scales to use for their qualifications may present an additional regulatory burden for awarding organisations
- there may be a regulatory impact arising from the proposal to require awarding organisations to notify Ofqual when one of their qualifications ceases to be approved for public funding

Respondents were asked if there were any regulatory impacts that had not been identified that could arise from the proposals, and if there were any additional steps that could be taken to minimise the regulatory impact of the proposals. Respondents were also asked if there were any costs, savings or other benefits associated with the proposals which had not been identified. Ofqual also asked whether it should consider any additional information when evaluating the costs and benefits of the proposals.

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

Responses received

Some respondents identified potential regulatory impacts that they felt Ofqual had not considered in the consultation. These included:

- the additional administrative burden of complying with the new requirements on awarding organisations, in particular smaller businesses and new entrants
- the burden of the requirement that awarding organisations report to Ofqual the withdrawal of public funding for their qualifications
- the possibility that the requirement for awarding organisations to produce an assessment strategy might lead to Ofqual focusing its review on the quality of explanation given by awarding organisations, rather than on the substance of their assessment approaches

Some respondents referred to the cost impact on awarding organisations, although none provided estimated figures. This included the cost to awarding organisations of producing and maintaining assessment strategies and using external consultants to support with the proposed approvals process.

It was suggested that there would also be a cost impact on colleges of introducing any new qualifications, such as staff training and recruitment and teaching and learning resources.

No respondents identified potential savings or other benefits arising from the proposals.

Some respondents suggested the proposals could have a negative impact on innovation. This was because:

 awarding organisations were using available time and personnel resources to respond to consultations and to implement changes rather than looking at innovation in assessment design smaller awarding organisations might not have the capacity to innovate alongside meeting the requirements of the proposed regulatory framework

• of the lead time for the qualifications review and approvals process, particularly the outcomes of reviews where revisions are required by Ofqual

Decision

Respondents did not identify any additional potential regulatory impacts as a result of the proposals, beyond those identified in the consultation.

Ofqual recognises that there will inevitably be some regulatory impact arising from our proposals, which are primarily a consequence of the government's post-16 qualifications review. Additional controls, beyond the General Conditions, are only being put in place where this is necessary to support the regulation of the qualifications in delivery, to fulfil ministerial intentions for these qualifications, and to support the provision of feedback to DfE as part of the funding approvals process.

The timescales for the submission of qualifications for funding approval are set by DfE.

Next steps

Alongside this decisions document, Ofqual has published:

- analysis of responses to the consultation on regulating entry level, level 1 and level 2 qualifications supporting progression to higher levels of study
- technical consultation on Ofqual's draft conditions, requirements and guidance for Progression Qualifications which will put Ofqual's policy decisions set out in this document into effect

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