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Consultation outcome

Regulating level 2 qualifications supporting progression to T Levels

Updated 13 July 2023

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; clarity, effectiveness and efficiency in the qualifications market; and contributes 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, are necessary, have a distinct purpose, and lead to good outcomes for students. The first qualifications considered were those at level 3, and Ofqual published its [regulatory arrangements for the qualifications in scope of the review](#) on 10 January 2023.

In October 2022, DfE published [the government's response to its consultation on the 'Review of post-16 qualifications at level 2 and below in England'](#). 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. DfE will take a phased approach to the first teaching of reformed qualifications from 2025 to 2027.

The first qualifications that are being considered for funding approval at level 2 and below by DfE will be level 2 qualifications leading to skilled employment. Ofqual launched a [public consultation on these qualifications](#) on 10 January 2023.

The next group of qualifications being considered will be qualifications supporting progression to higher levels of study. This consultation considers a sub-section of these qualifications – level 2 qualifications supporting progression to T Levels. DfE’s intention is that these qualifications may be taught as part of the new [T Level Transition Programme \(TLTP\)](#).

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. Ofqual will consult on the draft Conditions and requirements that would be used to implement this approach in June 2023. This will allow awarding organisations to develop qualifications and centres to familiarise themselves with them ahead of teaching the first reformed qualifications in September 2026.

If you have an interest in qualifications supporting progression to T Levels, please let Ofqual know your thoughts on the proposals set out here by responding to the consultation.

A consultation on the other groups of qualifications supporting progression to higher levels of study will be published later in 2023.

Proposals at a glance

For level 2 qualifications supporting progression to T Levels, in addition to the requirements set out in the General Conditions of Recognition, Ofqual proposes to:

- **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 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 assessment.

- **require awarding organisations to explain how their qualification content covers the content set out in DfE’s National Technical Outcomes (NTOs)**[\[footnote 1\]](#)

This will ensure that the qualifications and assessments are appropriately designed and developed against DfE’s NTOs for each T Level route.

- **require awarding organisations to have regard to guidance specified by Ofqual in relation to assessment design**

This will help to ensure that the assessments used in these qualifications are appropriately

designed with due regard to the qualification size, coverage of content, and use of contexts. It will also ensure students' awards are based on their overall performance.

- **require awarding organisations to set assessments**

This will help to ensure that tasks are valid and that they provide reliable evidence of student achievement to help to ensure user confidence in the qualifications.

- **require 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**

This will help to ensure commonality between awarding organisations and improve user understanding of the results.

- **require awarding organisations to explain their approach to standard setting and the maintenance of standards over time**

This will help to safeguard grading standards for these qualifications and build and maintain public confidence in these new qualifications.

- **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 26 January 2023 and ending on 6 April 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.

This consultation seeks views on the proposed approach to the regulation of level 2 qualifications supporting progression to T Levels. Ofqual will consult separately on the remaining groups of level 2 and below qualifications^{[\[footnote 2\]](#)} in due course.

The T Level Transition Programme (TLTP)

The TLTP is a one-year preparatory programme for level 2 students who aspire to progress onto a T Level. The purpose of the programme, as set out in [DfE's Framework for Delivery](#), is to help students develop a broad range of knowledge, skills, and behaviours that will help them to progress onto, and succeed on, a T Level in their chosen T Level route.^[footnote 3]

Students on the TLTP are expected to develop knowledge, skills, and behaviours in 5 areas including:

- industry-relevant technical knowledge and skills
- skills for successful study
- English, maths and digital skills
- knowledge and skills for the workplace
- positive attitude and behaviours

DfE has developed national content for the technical knowledge and skills aspects of the TLTP, for each T Level route, called National Technical Outcomes (NTOs). Schools, colleges, and training providers can currently decide whether to deliver the NTOs using a qualification, non-qualification delivery, or a combination.

DfE has not yet taken a final decision on whether, following the funding approvals process, teaching the NTOs through a non-qualification approach will continue to be an option or whether it will be mandatory to study one of the qualifications supporting progression to T Levels as part of the TLTP.

Level 2 qualifications supporting progression to T Levels

In [DfE's letter to Ofqual](#) the minister sets out the intentions for these qualifications as follows:

- “ It is my intention that qualifications designed to support progression onto T Levels should provide a breadth of knowledge, understanding and skills that will prepare students for study in a T Level route. These qualifications should support the aims of the programme and be well-aligned with the national expectations in the Framework for Delivery for the TLTP. It will also be important that they are engaging and motivating for the students that take them.
- “ As these qualifications will primarily form just one part of the TLTP, it is important that they are large enough to cover broad content relevant to a route, but not so large as to overly restrict all the other important elements of the programme. I expect awarding organisations to pay particular attention to the size guidelines set out in the government's response to the consultation on qualifications at level 2 and below, while noting our overall position that these are guidelines only.”

The minister also commented that:

“ I recognise that the level of change to existing qualifications to secure alignment to T Level routes and the TLTP Framework for Delivery may in some cases be considerable. However, I consider this to be important and proportionate.”

To summarise, DfE intends that these qualifications will:

- provide broad content relevant to a particular T Level route and prepare students to study any of the T Levels within that route
- be primarily delivered in one academic year as part of a TLTP, although adults could choose to take them outside of a TLTP
- be small to medium in size (less than half of a one-year 16 to 19 study programme) – large enough to cover broad content relevant to a route, but not so large as to crowd out other important elements of the TLTP, such as English and maths.

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. These 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 minister’s expectation that Ofqual puts in place a regulatory approach that builds and maintains confidence in these qualifications
- the minister’s proposal for there to be consistent content across the qualifications in a particular T Level route
- the minister’s intention that these qualifications are not prerequisites for progression to a T Level, students can progress directly to T Level study after GCSEs. Achievement in these qualifications will be used alongside other information to inform decisions about student progression
- DfE’s expectation that the accountability measures for providers delivering these qualifications will be at the level of the student’s programme of study

Ofqual considers that although the proposal is for the content of qualifications to be consistent within a route, there is still scope for awarding organisations to take equally valid, different approaches within a route. Different approaches to the design of these qualifications may also be appropriate across the 12 T Level routes.

Ofqual therefore proposes to introduce some additional controls where this is necessary to support confidence in the new qualifications, whilst also ensuring that there is sufficient flexibility to enable awarding organisations to design qualifications that are well aligned to the different T Level routes. These additional controls are set out in detail in the proposals section.

DfE funding approvals process

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

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

Ofqual also proposes to introduce the following additional controls to reflect Ofqual's role in the approvals process and to support the ongoing regulation of qualifications in delivery:

- 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

These controls are consistent with the approach put in place for reformed level 3 qualifications and the proposed approach to level 2 qualifications leading to skilled employment. They are set out in detail in the proposals section.

Qualification titling and size of qualifications

DfE will publish its full approvals 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 and Ofqual's view is that any DfE expectations on titling could be accommodated within the requirements of the existing General Condition. Ofqual therefore 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 level 2 qualifications supporting progression to T Levels. This means that awarding organisations already recognised to deliver qualifications at level 2 in the relevant sector subject area will not need to apply to Ofqual to extend their scope of recognition to develop these qualifications.

DfE's proposed content for these qualifications

DfE is currently consulting on its intention that the NTOs should form the basis for the content of level 2 qualifications supporting progression to T Levels.

Comments on the use of the NTOs as the basis for the content of these qualifications should be submitted to DfE via [their consultation](#).

Proposals

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. The same requirement for awarding organisations to develop, follow, and keep under review an assessment strategy is being put in place for level 3 technical occupation and alternative academic qualifications and level 2 qualifications leading to skilled employment.

Proposal

Ofqual proposes to require awarding organisations to develop, follow, and keep under review an assessment strategy covering each level 2 qualification supporting progression to T Levels 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 in full below. This would give Ofqual oversight of the qualifications to regulate them effectively in delivery and provide a basis on which to provide feedback to DfE as part of the approvals process.

In relation to assessment strategies, it is proposed 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. Regulated awarding organisations should consider the aspects of design, development, and award of qualifications covered by the assessment strategy requirements as part of their business-as-usual processes.

Question 1

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?

Question 2

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

Purposes

High-quality qualifications have a clear purpose and are designed to meet that purpose. That is to say, decisions taken about the design of qualifications and their assessments should reflect the qualification's purpose. A well-defined purpose should ensure that users are clear about what a qualification should equip students to do and to what use(s) the results of the qualification will be put.

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. In particular, this relates to whether a qualification is intended primarily to support progression to higher levels of study or entry into employment.

Proposal

To ensure that qualifications are designed with a clear purpose in mind, Ofqual proposes to set out

the general purposes for qualifications supporting progression to T Levels. This is the same approach that has been taken for level 3 alternative academic qualifications as well as other qualifications including GCSEs, A Levels, and T Levels.

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. This should ensure that the qualification's 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.

Ofqual proposes that the general purposes for qualifications supporting progression to T Levels should be that **the qualification will:**

- **Purpose A: provide students with a breadth of knowledge, skills, and understanding that prepares them for study on any T Level in the relevant T Level route.** The use of a qualification within a TLTP is expected to deliver on giving students the knowledge and skills relevant to a particular T Level route. This is therefore the highest priority purpose of these qualifications.
- **Purpose B: demonstrate students' ability to apply their knowledge, skills and understanding in relevant practical contexts.** Due to the practical nature of T Level programmes, it is important that these qualifications provide opportunities to apply knowledge and skills in practical contexts, to help students prepare for what they will experience if they progress to a T Level.
- **Purpose C: support an engaging programme of learning that motivates students who are preparing for study on a T Level.** Engagement is an important factor in student achievement. Students taking these qualifications may not have sufficient attainment pre-16 to study a T Level directly from GCSE or may have other areas of development or support needs before undertaking a T Level. It is important that these qualifications should play a part in (re-)engaging students so that they have the confidence and are motivated to continue to the next level of study.
- **Purpose D: provide evidence of attainment that could be used in combination with other information to inform decisions about a student's readiness to progress onto a T Level.** It is expected that achievement of a qualification supporting progression to T Levels will indicate that a student has demonstrated appropriate attainment at level 2 and that they should be able to engage with the T Level content. However, as qualifications supporting progression to T Levels are not prerequisites for students wishing to progress to a T Level, it is expected that the evidence of attainment will be used alongside other information to assess whether a student is ready to progress onto a T Level.
- **Purpose E: provide reliable evidence to differentiate between students' attainment in relation to the knowledge, understanding, and skills assessed as part of the qualification.** It is important that students' performance on the qualification can be used by providers and employers as a basis for selecting students for other educational routes, jobs, and apprenticeships. This would be particularly important for students who choose not to, or are not able to, progress to a T Level. Ofqual considers it important that the grading scale for these qualifications provides sufficient information for users to differentiate between student attainment.

While all of the general purposes should be met as far as possible, Ofqual recognises that there might be points 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 C), which may be in tension, however, with the need to differentiate reliably between students (Purpose E).

In instances where design trade-offs are required, it is proposed that the general purposes (A to E) should be prioritised according to the order in which they are set out. This means Purpose A – provide students with a breadth of knowledge, skills, and understanding that prepares them for study on any T Level in the relevant T Level route – should be given the highest priority, with the others met to the greatest extent possible, prioritised in the order set out.

Question 3

Do you have any comments on the proposed general purposes set out for qualifications supporting progression to T Levels?

Question 4

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

Proposal

As it is proposed to introduce requirements setting out the general purpose of these qualifications, Ofqual proposes to disapply [General Conditions E1.1 and E1.2](#) which require qualifications to have an objective in respect of qualifications covered by these proposals. 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 5

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

Content

The content to be covered within a qualification and the way in which that content is assessed are important factors in ensuring that qualifications meet their intended purposes and assessments are valid. It is important that qualifications are assessed in a way that allows students to demonstrate knowledge, understanding, and skills in relation to the content covered by the qualification.

In the steer letter, the minister said that:

“ DfE has developed National Technical Outcomes (NTOs) for each T Level route to support consistency in the technical knowledge and practical skills students develop on this programme.”

As explained earlier, [DfE is currently consulting on its intention that the NTOs should be used as the basis for the content of these qualifications](#).

Awarding organisations would be expected to expand on the high-level content in the NTOs to develop the detailed content to be taught and assessed.

Proposal

To ensure that the content is being covered appropriately, Ofqual proposes to require awarding organisations to explain in their assessment strategy how they have designed and developed their qualifications against the NTOs, including how the high-level content in NTOs has been expanded upon to develop detailed qualification content.

Ofqual also proposes to require awarding organisations to explain in their assessment strategy their approach to assessing this knowledge, skills, and understanding over time, ensuring that coverage of the content in assessments is representative and non-predictable. This is important to ensure that awarding organisations assess content appropriately and to ensure outcomes are valid and comparable over time. It will enable Ofqual to review awarding organisations' approaches as part of the DfE's approval process.

As DfE is currently consulting on its intention that the NTOs should form the basis of these qualifications, Ofqual cannot determine at this point whether it might be necessary to go beyond this. Depending on the outcomes of DfE's consultation, it might be appropriate for Ofqual to issue requirements or guidance around the coverage of the content. This proposal may therefore need to be revisited in Ofqual's second consultation on the specific Conditions, rules, and guidance proposed for these qualifications, due to launch in June 2023.

Question 6

To what extent do you agree or disagree with the proposal to require awarding organisations to explain how they have covered the NTOs in their assessment strategy for qualifications supporting progression to T Levels?

Assessment

The minister's intention is that these qualifications:

“ ...should help prepare students for what they will experience on T Levels. In my view it is therefore important that they are designed to support an approach to teaching and learning that allows students to apply knowledge, understanding and skills in a practical context. I would be satisfied for elements of modular assessment to exist in these qualifications. However, modularity must be appropriately balanced with the need for assessments to draw together the knowledge, understanding and skills developed through the content. Overall, I expect the frequency of assessment within these qualifications not to distract from, or predominantly drive, teaching and learning.”

Ofqual has considered whether any additional controls need to be introduced around assessment design for these qualifications to ensure that they align with their intended purposes and the minister's intentions.

As set out earlier in this consultation, Ofqual is already proposing that assessments must be designed in line with the general purposes and their relative order of prioritisation.

Recognising that different approaches to assessment may be valid across the different T Level routes, Ofqual therefore proposes to introduce additional controls only in those areas which are common across all routes.

Ofqual therefore does not propose to set requirements around the number of assessments, overall assessment time, assessment availability (including resitting and resubmission opportunities), assessment methods, or marking approaches. Ofqual will instead require awarding organisations to explain their approach to these elements of assessment design in their assessment strategy. Ofqual does, however, propose to set requirements around the setting, marking, and adaptation of assessments and to set out the factors that awarding organisations should have regard to in designing their assessments.

Proposal

Ofqual proposes to require awarding organisations to set all assessments. Ofqual also proposes to require assessments to be taken under controlled conditions. Awarding organisations will therefore need to specify the controlled conditions under which the assessments used in their qualifications must be taken. This will help to ensure a high-level of control which should increase the validity of tasks and mean that the awarding organisation's outcomes are accurate and comparable over time.

Ofqual also proposes to allow awarding organisations to permit centre contextualisation of assessments, including tailoring scenarios to local needs, to ensure the contexts are suitable for centres and students. This will only be permitted where it does not change the nature of the skills being assessed, the demand of the task, or the level of the assessment. Awarding organisations would be required to provide guidance to support centres around any assessment adaptations that they permit and would be required to provide Ofqual with an explanation of their approach to adaptation of assessments in their assessment strategy.

Ofqual proposes that awarding organisations may mark assessments themselves, or they may permit centres to mark assessments, or they may use a combination of awarding organisation and

centre marking. Awarding organisations will be required to identify and explain the risks related to centre marking of assessments and demonstrate that effective controls will be in place to mitigate any risks around centre marking, through their assessment strategy.

Question 7

To what extent do you agree or disagree with the proposal to require awarding organisations to set assessments for these qualifications?

Question 8

To what extent do you agree or disagree with the proposal to require assessments to be taken under controlled conditions and for awarding organisations to specify the controlled conditions under which the assessments in their qualifications must be taken?

Question 9

To what extent do you agree or disagree with the proposal to allow, but not require, adaptation of contexts within assessments used in these qualifications?

Question 10

To what extent do you agree or disagree with the proposal to allow awarding organisations to permit centres to mark assessments used in these qualifications?

Proposal

Ofqual proposes to issue statutory guidance setting out the factors that awarding organisations should consider in designing the assessments used in their qualifications. These factors are explained below.

Qualification size

DfE intends the size of these qualifications to be less than half of a one-year 16 to 19 study programme. The ministerial steer letter outlined that the frequency of assessment within these qualifications should not distract from, or predominantly drive, teaching and learning. It is therefore important that the number and size of the assessment components used in these qualifications is proportionate to DfE's proposed qualification size. DfE has designed the NTOs to specify the

outcomes that students are expected to demonstrate and would therefore expect approaches to assessment to support this. This will help ensure that the assessments used within these qualifications do not adversely impact teaching and learning.

Coverage of content

As noted above, DfE has designed the NTOs to specify the outcomes that students are expected to demonstrate and would therefore expect approaches to assessment to support this. In the steer letter, the minister stated that modularity of assessments used within these qualifications must be appropriately balanced with the need for assessments to draw together the knowledge, understanding, and skills developed through the qualification content. The assessments should therefore require students to identify and use an appropriate selection of skills, techniques, concepts, theories, and knowledge from across the full range of the qualification's content effectively and in an integrated way.

Use of context

The ministerial intention for these qualifications is that they will help prepare students for what they will experience on a T Level. It is therefore important that they support an approach to teaching and learning that allows students to apply knowledge, understanding, and skills in practical contexts. The assessments should therefore be set in specific, authentic contexts that vary over time, focusing on practical application of knowledge and skills.

Emphasis on overall performance

DfE's intention is that these qualifications provide students with a breadth of knowledge, skills and understanding that prepares them for study on any T Level in the relevant T Level route. They are not, however, intended to be a prerequisite to progress to a T Level or to signal occupational competence. An assessment approach which required students to pass each individual assessment might prevent students from completing these qualifications.

Students' results should therefore be based on their overall performance across the qualification content, with strengths and weaknesses in performance permitted to balance each other out.

Awarding organisations will be required to explain their approach to assessment design in line with the proposed guidance in their assessment strategy. This will enable Ofqual to review awarding organisations' approaches, and to set requirements where they do not have regard to the statutory guidance.

Question 11

To what extent do you agree or disagree with the proposal to issue statutory guidance on assessment for these qualifications and to require awarding organisations to explain their approach in an assessment strategy?

Question 12

Do you have any comments on the factors that are proposed to be included in the statutory guidance on assessment for these qualifications?

Grading

With regard to grading, the minister commented that:

“ To support clarity for those who will use the results of these qualifications, in my view it is important that there is a single consistent grading approach. I would like Ofqual to work with my department to explore an appropriate approach to differentiating attainment, based on the needs of those who will use the results of these qualifications.”

As these are similar qualifications with common purposes and nationally set content, Ofqual agrees that a single consistent grading approach will improve user understanding of what the results mean.

In order for these qualifications to meet General Purpose E – to provide evidence to differentiate between students’ attainment in relation to the knowledge, skills, and understanding assessed as part of the qualification – Ofqual’s view is that the grading scale should have more differentiation than Pass or Fail. This must however be balanced with ensuring that grades are reliable and that they signal meaningful information to users.

Proposal

Ofqual proposes to require 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.

Ofqual recognises that this proposal to specify a common grading scale represents a shift from current practice where awarding organisations can determine their own grading approach, but the expectation is that any short-term disruption will be outweighed by the greater degree of commonality in relation to grades.

Question 13

To what extent do you agree or disagree with the proposal to requiring awarding organisations to use a common grading scale (Pass, Merit, and Distinction), with an Unclassified result for students who do not achieve one of these grades?

Standard setting

Awarding organisations are subject to the requirements of the General Conditions in relation to setting specified levels of attainment. They are required, for example, under Condition H3 ('Monitoring the specified levels of attainment for a qualification') to review the standards set: in the qualification previously; for similar qualifications it makes available; and for similar qualifications offered by other awarding organisations.

As these are new qualifications, awarding organisations offering them must set the initial performance standard and then maintain that standard over time with new cohorts of students. This is an important part of building and maintaining public confidence in these qualifications.

For assessments where grading is separate to the marking process, there are some additional aspects that could be required, such as the way in which qualitative and quantitative evidence is used in setting standards, to ensure the approach to the setting and maintenance of standards promotes consistent standards within each qualification over time.

Proposal

Ofqual proposes to require awarding organisations to explain their approach to standard setting and to the maintenance of standards over time within their qualification in an assessment strategy. This will require awarding organisations to consider their approach in detail. The assessment strategy will also enable Ofqual to review awarding organisations' approaches, and to set requirements where these approaches do not meet the requirements of the General Conditions or are not being followed.

Question 14

To what extent do you agree or disagree with the proposal to requiring awarding organisations to explain their approach to standard setting and to the maintenance of standards in an assessment strategy?

Proposal

For assessments where grading is separate to the marking process, Ofqual does not propose to set a single technical approach to standard setting as this will be dependent on the qualification design.

Ofqual would, however, expect awarding organisations to provide a full explanation of the technical methods used, including analysis and evidence. Ofqual proposes to set out the range of evidence – both qualitative and quantitative – awarding organisations would be expected to consider. The evidence should enable awarding organisations to take into account the level of demand of the specific assessment and be based on consideration of an appropriately representative sample of student work and the standards set in previous years. Awarding organisations would have to explain the rationale for their approach, including the evidence and the methods to be used, through their assessment strategy.

Question 15

To what extent do you agree or disagree with the proposed approach to standard setting for assessments for these qualifications, where grading is separate to the marking process?

Ofqual review of these qualifications

As part of DfE's new approval process for qualifications supporting progression to T Levels, Ofqual will provide feedback to DfE based on a review of an awarding organisation's approaches to the design and delivery of their qualifications. This will include any changes Ofqual considers necessary for awarding organisations to make to address any shortcomings that have been identified as part of the review.

The review processes will be used to decide how confident Ofqual is that 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.

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 and is being proposed for level 2 qualifications leading to skilled employment.

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 16

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?

Withdrawal of approval for public funding

DfE could 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, as it would be possible to protect students for as long as there are some taking the qualifications as qualifications approved for funding. This is the same approach that is being put in place for level 3 technical occupation and alternative academic qualifications and is being proposed for level 2 qualifications leading to skilled employment.

Question 17

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?

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 published a separate impact assessment on its overall approach, [which is available on its website](#).

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

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 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 qualifications, awarding organisations will also have to continue to meet, on an ongoing basis, the obligations 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 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 positive equalities impacts on students who share protected characteristics.

Purposes

Ofqual is proposing to set out the general purposes for qualifications supporting progression to T Levels. 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 qualifications supporting progression to T Levels 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.

Content

Ofqual is proposing that awarding organisations must explain in their assessment strategy how they

have designed and developed their qualifications against the NTOs. It is also proposed to require awarding organisations to explain their approach to assessing this knowledge, skills and understanding over time, ensuring that coverage of the content in assessments is representative and non-predictable.

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

Assessment

Ofqual is proposing to require awarding organisations to set all assessments and to specify the controlled conditions under which they must be taken. Ofqual is also proposing to allow awarding organisations to permit centre contextualisation of assessments, including tailoring scenarios to local needs, to ensure the contexts are suitable for centres and students.

Ofqual is not proposing to prescribe who marks assessments and proposes to issue statutory guidance setting out the factors that awarding organisations should consider in designing the assessments used in their qualifications, relating to qualification size, coverage of content, use of context, and emphasis on overall performance.

As Ofqual is proposing to introduce limited additional controls in this area, Ofqual considers that there should be no impact on the ability of awarding organisations to fulfil their existing equalities obligations.

Ofqual has not, therefore, identified any equalities impacts on students who share a particular protected characteristic, positive or negative, related to these proposals.

Grading

Ofqual is proposing to require 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. This will help to ensure commonality between awarding organisations and improve user understanding of the results. It is recognised that this proposal represents a shift from current practice where awarding organisations can determine their own grading approach, but Ofqual considers that this should have no impact on the ability of awarding organisations to fulfil their existing equalities obligations.

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

Standard setting

Ofqual is proposing to require awarding organisations to explain their approach to standard setting and to the maintenance of standards over time within their qualification, in an assessment strategy. Where grading is separate to the marking process, Ofqual is also proposing to require awarding organisations to provide a full explanation in their assessment strategy of the technical methods used, including analysis and evidence. Awarding organisations will be expected to refer to a range of evidence, and to take account of the impacts on students who share a particular protected characteristic of the approaches they take.

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 18

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 19

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

It is recognised 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 new qualifications, whilst also ensuring that there is sufficient flexibility to enable awarding organisations to design qualifications that are well aligned to the different T Level routes.

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 these regulatory requirements. The impact will vary depending on the current approaches that awarding organisations 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.

While there will be some additional requirements for development and submission of assessment strategies, the impact of the requirements will be limited to the degree that awarding organisations are setting out things they should have already considered in the development and design of their qualifications. It is also recognised that the potential costs and level of additional activity required will be impacted by aspects such as the previous experience of the awarding organisation and how they interpret Ofqual's requirements.

The requirements set for assessment strategies by Ofqual should complement DfE's approvals 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 approvals process.

Purposes

Ofqual is proposing to set out the general purposes for qualifications supporting progression to T Levels. 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. 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 adopt general purposes on awarding organisations.

Content

Ofqual is proposing to require awarding organisations to explain in their assessment strategy how they have designed and developed their qualifications against the NTOs, including how they have expanded upon the high-level content in the NTOs. Ofqual is also proposing to require awarding organisations to explain in their assessment strategy their approach to assessing this knowledge, skills, and understanding over time, ensuring that coverage of the content in assessments is representative and non-predictable.

Ofqual recognises that this proposal is likely to necessitate significant changes in current approaches to the design and delivery of similar qualifications. Ofqual considers that this is proportionate to promote consistency across qualifications in the same T Level route, and to ensure students are prepared for T Level study in that route.

Assessment

Ofqual is proposing to issue statutory guidance setting out the factors that awarding organisations should consider in designing the assessments used in their qualifications including qualification size, coverage of content, use of contexts, and emphasis on overall performance. It is also proposed that an awarding organisation must explain its approach to assessment design through its assessment strategy.

Ofqual recognises that this proposal is likely to necessitate significant changes in current approaches to the design and delivery of existing qualifications. Ofqual considers that this is

proportionate to ensure that the assessments used in these qualifications are appropriately designed in line with the general purposes and the ministerial intentions for these qualifications.

Grading

Ofqual is proposing to require 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.

Ofqual recognises that this proposal may represent a shift from the current grading of existing qualifications, and therefore 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 and Ofqual considers this to be proportionate to ensure commonality between awarding organisations and improve user understanding of the results.

Standard setting

Ofqual is proposing to require awarding organisations to explain their approach to standard setting and to the maintenance of standards over time within their qualification, in an assessment strategy.

Where grading is separate from the marking process, Ofqual is also proposing that awarding organisations provide a full explanation of the technical methods used, taking account of an appropriate range of evidence – both qualitative and quantitative – in their assessment strategy.

Ofqual recognises that further consideration of standard setting may be required by awarding organisations as a result of these requirements but considers it proportionate to secure public confidence in these reformed qualifications.

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 20

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 21

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

Question 22

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 qualifications supporting progression to T Levels.

Question 23

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 & 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 4](#)} 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.

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.

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

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1. Subject to the outcomes of [DfE's consultation on the NTOs](#) ↩
 2. The remaining groups of level 2 and below qualifications include: entry level, level 1 and level 2 qualifications supporting progression to higher levels of study other than T Levels; entry level, level 1 and level 2 English for Speakers of Other Languages qualifications; entry level and level 1 qualifications in English and maths (non-GCSE/Functional Skills Qualifications) and entry level and level 1 qualifications in Personal, Social and Employability skills ↩
 3. The 11 T Level routes are Agriculture, Environmental and Animal Care; Business and Administration; Catering and Hospitality; Construction and the Built Environment; Creative and Design; Digital, Education and Childcare; Engineering and Manufacturing; Hair and Beauty; Health and Science; Legal, Finance and Accounting ↩
 4. 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. ↩

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