

Cookies on GOV.UK

We use some essential cookies to make this website work.

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

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

[Accept additional cookies](#)

[Reject additional cookies](#)

[View cookies](#)

GOV.UK

▼ Menu

[Home](#) > [Education, training and skills](#) > [Further and higher education, skills and vocational training](#)

> [Further and higher education courses and qualifications](#) > [T levels](#)

> [Regulating level 2 qualifications supporting progression to T Levels](#)



Consultation outcome

Decisions: Regulating level 2 qualifications supporting progression to T

Levels

Updated 13 July 2023

Contents

[Introduction](#)

[Summary of decisions](#)

[Details](#)

[Equality impact assessment](#)

[Regulatory impact assessment](#)

[Next steps](#)



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.”

For students who would benefit from additional support and preparation before taking a T Level, DfE has introduced the T Level Transition Programme (T Level Foundation Year) designed to give students a broad foundation to support progression onto any T Level in their chosen T Level route. DfE intends that in the future qualifications landscape, it will consider funding those level 2 qualifications designed to support progression to T Levels, which could be taken by young people as part of the T Level Foundation Year, or by adults outside of a T Level Foundation Year.

For students who would benefit from additional support and preparation before taking a T Level, DfE has introduced the T Level Foundation Year (T Level Foundation Year) designed to give students a broad foundation to support progression onto any T Level in their chosen T Level route. DfE intends that in the future qualifications landscape, it will consider funding those level 2 qualifications designed to support progression to T Levels, which could be taken by young people as part of the T Level Foundation Year, or by adults outside of a T Level Foundation Year.

DfE is changing the name of the T Level Foundation Year to the T Level Foundation Year for academic year 2024-2025. At that point, these qualifications will be called T Level Foundation

Qualifications (Level 2).

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 consulted upon its proposals for the regulation of T Level Foundation Qualifications between January and April 2023. This document sets out Ofqual's decisions following this consultation.

Consultation

The consultation sought views on Ofqual's proposed regulatory approach to T Level Foundation Qualifications. This included asking for views on the equalities and regulatory impacts of the proposals, as well as their impact on the ability of awarding organisations to innovate.

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 qualifications 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 T Level Foundation 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 in the Qualification Level Conditions (QLCs). 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.

Content

The content of these qualifications will be based on the national content that the DfE has developed for the T Level Foundation Year, called National Technical Outcomes (NTOs). Ofqual will require awarding organisations to explain how their qualification content covers the content set out in DfE's NTOs. This will ensure that the qualifications and assessments are appropriately designed and developed against DfE's NTOs for each T Level route.

Assessment

Ofqual will require awarding organisations to set all assessments. Ofqual will also 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.

Ofqual will allow awarding organisations to permit centre contextualisation of assessments, including tailoring scenarios to local needs, to ensure the contexts are suitable for schools, colleges and students.

Ofqual will allow awarding organisations to mark assessments themselves, or they may permit centres to mark assessments, or they may use a combination of awarding organisation and centre marking.

Ofqual will also require awarding organisations to have regard to guidance specified by Ofqual in relation to assessment design. This will help to ensure that the assessment design for these qualifications take appropriate account of DfE's guideline size for these qualifications and DfE's intentions around coverage of the NTOs. It will also support the design of assessments in line with the intended general purposes.

Grading

Ofqual will require awarding organisations to use a common grading scale of the following grades: Pass, Merit, Distinction, with an appropriate result issued to students who do not meet the criteria to be awarded a specific level of attainment, for example, 'unclassified', 'not achieved' or an equivalent term. This will help to ensure commonality between qualifications offered by different awarding organisations which are being developed in line with nationally set general purposes and content. Ofqual considers that a single, consistent grading scale will improve user understanding of what the qualification results mean.

Standard setting

Ofqual will 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.

For assessments where grading is separate to the marking process, Ofqual will not 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.

This will help to promote consistency across awarding organisations for these qualifications and ensure that awarding organisations use a suitable range of evidence when setting the standard for these qualifications and maintaining that standard over time.

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, in the event that public funding is withdrawn.

Details

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

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 T Level Foundation 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 to be included in assessment strategies.

Responses received

No respondents disagreed with the proposal. Awarding organisations generally agreed, with some noting that the proposal mirrored their own current practices and others noting the consistency with regulatory arrangements that have been proposed for other groups of qualifications. Some awarding organisations, however, were concerned about the burden this proposal could place on them.

Awarding organisations also said that they would like further clarity on the assessment strategy requirements, including on whether each individual qualification would need its own assessment strategy and on the process of informing Ofqual of any changes to an assessment strategy. It was also suggested that Ofqual should provide a template assessment strategy document and that there should be a single section in the requirements covering moderation or Centre Assessment Standards Scrutiny (CASS) for centre-marked assessments.

Some respondents questioned why certain aspects of an awarding organisation's design approach would need to be covered in an assessment strategy. This included areas to be covered by statutory guidance, with the suggestion that following guidance specified by Ofqual should be sufficient, and that there was no need for any justification of grading scales given Ofqual's intention to specify a common scale for these qualifications.

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 T Level Foundation Qualifications.

Assessment strategies are a key part of Ofqual's overall regulatory approach. They are used as part of our review of qualifications to inform the feedback Ofqual will provide as part of the DfE's funding approvals process, as well as forming an important part of our ongoing regulation.

Ofqual does not intend to provide an assessment strategy template. When putting in place assessment strategy requirements for other qualifications, Ofqual has found that awarding organisations prefer to have some flexibility to incorporate their existing processes and documents rather than having to adapt them to fit a template. Ofqual will, however, set detailed requirements that specify the information awarding organisations would be expected to include in an assessment strategy. These requirements are [included in the technical consultation](#) which has been published alongside this decisions document.

Ofqual will require awarding organisations to explain their assessment design decisions and their approach to grading scales. Even though Ofqual intends to issue statutory guidance on assessment, this guidance is not prescriptive. Awarding organisations will need to have regard to the guidance when making their own assessment design decisions and justify those decisions in their assessment strategy. Similarly, even though Ofqual is prescribing the grading scale for these qualifications, awarding organisations will need to determine their own approach to generate these grades and again, explain their approach in their assessment strategy.

Purposes

What Ofqual proposed

Ofqual proposed to set the general purposes in its regulatory framework for T Level Foundation 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 were:

- Purpose A: The qualification will 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
- Purpose B: The qualification will demonstrate students' ability to apply their knowledge, skills and understanding in relevant practical contexts
- Purpose C: The qualification will support an engaging programme of learning that motivates students who are preparing for study on a T Level
- Purpose D: The qualification will provide evidence of attainment that could be used in combination with other information to inform decisions about a student's readiness to progress onto a T Level

- Purpose E: 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 these purposes. It was proposed that in such instances the general purposes should be prioritised according to the order in which they were set out (A to E).

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

Respondents were generally supportive of the proposed purpose statements, although some commented on specific purpose statements and proposed changes to the wording of the general purposes and their order of prioritisation.

Some respondents thought that the proposed general purposes did not consider the fact that some students may progress to other destinations that are not T Level study. It was also suggested that the proposed general purposes were too broad.

Most respondents agreed with the proposed order of prioritisation set out for the general purposes, although some disagreed. Some respondents thought there should be some flexibility in how the purposes are used. Other respondents asked how Ofqual would regulate similar qualifications with the same intended destination, but which have been developed by multiple awarding organisations using the purpose statements in different priority orders.

Just over half of respondents agreed with the proposal to disapply General Conditions E1.1 and E1.2. Some respondents thought it made sense to disapply these Conditions so that the existing requirements around objectives would be superseded by the purposes. Respondents that disagreed with the proposal expressed concern that if the proposal was to be enacted, these qualifications would not have an objective.

Decision

Ofqual has decided to specify the general purposes which awarding organisations must design qualifications to meet. Ofqual has also decided to require the general purposes to be prioritised in the order set out and to disapply General Conditions E1.1 and E1.2.

Qualification purposes are a key part of Ofqual's regulatory approach. High quality qualifications should have a clear purpose and be designed to meet that purpose. 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.

Ofqual has considered the specific points of feedback on the drafting and prioritisation of the general purposes. Ofqual's view is that the different purposes set a clear expectation for what the qualifications must achieve. It is recognised that students taking these qualifications may progress to other qualifications apart from T Levels but the prioritisation of Purpose A is consistent with the minister's intentions for these qualifications. For clarity, awarding organisations must meet all the general purposes, even though they are in priority order, and must follow the same priority order.

The general purposes are also intended to provide sufficient flexibility to awarding organisations to design qualifications against NTOs.

The general purposes will be implemented alongside other requirements, such as requirements in relation to the qualification content and coverage of the NTOs. This requirement will bring about a level of consistency across awarding organisations developing qualifications in the same occupational route.

Ofqual has set specific requirements related to grading scales, set out in the Grading section of this document.

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 qualifications will fulfil those purposes in their assessment strategies.

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 change [in the technical consultation](#) published alongside this document.

The updated general purposes for T Level Foundation Qualifications are set out below:

- Purpose A: Demonstrating that Learners have the breadth of knowledge, skills, and understanding that prepares them to take any T Level in the relevant T Level route.
- 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 motivates Learners who are preparing to take a T Level.
- 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 a T Level.
- Purpose E: Providing evidence to differentiate between Learners' attainment in relation to the knowledge, skills and understanding assessed as part of the qualification.

Content

What Ofqual proposed

Ofqual proposed to require awarding organisations to explain how they have designed and developed their qualifications against the DfE's NTOs in their assessment strategy. This should include how the knowledge and skills in the NTOs have been developed into qualification content.

Ofqual also proposed to require awarding organisations to explain in their assessment strategy their approach to assessing the knowledge and skills in the NTOs over time, ensuring that coverage of the content in assessments is representative and non-predictable.

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

Responses received

Most respondents agreed with the proposal. Some respondents said that it would be beneficial to have more guidance on the use of the NTOs in these qualifications. Other respondents said that it would be helpful to have clarity on the depth of information that awarding organisations would be expected to provide in their assessment strategies about how they have used the NTOs to develop the qualification content.

Where respondents did not agree, the issues they raised were largely related to wider government policy decisions that were beyond the scope of the proposal set out in the consultation.

Decision

Ofqual has decided that awarding organisations will be required to explain how their qualification content covers the knowledge and skills set out in DfE's NTOs in their assessment strategy. Awarding organisations will also be required to explain their approach to coverage of content in assessment over time, ensuring that it is representative and non-predictable. This will ensure that the qualifications and assessments are appropriately designed and developed against DfE's NTOs for each T Level route.

DfE consulted on its intention for the NTOs to form the basis of the content for these qualifications in parallel with Ofqual's policy consultation. Ofqual noted in the policy consultation that it might be necessary to review this proposal depending on the outcomes of DfE's consultation. Ofqual's view is that DfE's consultation outcomes do not require Ofqual to go beyond requiring awarding organisations to explain how they have designed and developed their qualifications against the NTOs in their assessment strategy.

Further clarity on the interpretation of NTOs will be provided by DfE. The assessment strategy requirements related to coverage of content have been [published in the technical consultation](#).

Assessment

What Ofqual proposed

Ofqual's policy consultation set out proposals to ensure the assessment approaches used in these qualifications would support the minister's intentions. This included:

Setting assessments and controlled conditions

Ofqual proposed to require awarding organisations to set all assessments. Ofqual also proposed to require assessments to be taken under controlled conditions and for awarding organisations to specify the controlled conditions under which the assessments used in their qualifications must be taken.

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

Centre contextualisation of assessments

Ofqual also proposed to allow awarding organisations to permit centre contextualisation of assessments. This could include tailoring scenarios to local needs, to ensure the contexts are suitable for centres and students. Awarding organisations would be required to provide Ofqual with an explanation of their approach to adaptation of assessments in their assessment strategy.

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

Marking assessments

Awarding organisations may mark assessments themselves, or permit centres to mark assessments, or use a combination of awarding organisation and centre marking. Awarding organisations would 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.

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

Assessment guidance

Ofqual also proposed to issue statutory guidance setting out the factors that awarding organisations should consider in designing the assessments used in these qualifications. The 4 factors were: qualification size, coverage of content, use of context, and emphasis on overall performance.

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

Responses received

Setting assessments and controlled conditions

Most respondents agreed with the proposal that awarding organisations should set assessments for these qualifications. Some awarding organisations said that awarding organisations are best placed to develop high-quality assessments and ensure that outcomes are reliable, although other awarding organisations expressed concern that the proposal might have a negative effect on innovation in assessment and sought greater flexibility. Some respondents felt that requiring

awarding organisations to set assessments may not be appropriate for all occupational routes.

Views on the proposal that assessments should be taken under controlled conditions were more mixed. Where respondents agreed, they mostly provided suggestions on how the approach could be implemented effectively. These included assessments being taken during a window with low levels of controls or specifying controls according to the qualification's content and assessment approach. Ofqual was also asked to provide additional guidance on the factors awarding organisations should consider when specifying controlled conditions.

Where respondents did not agree with the proposal, they largely questioned whether it would be manageable for awarding organisations, students and providers. Some respondents suggested that the approach may not be suited to all occupational routes and that contextualisation of tasks could limit the ability of awarding organisations to control tasks.

Centre contextualisation of assessments

Most respondents agreed with the proposal to allow, but not require, adaptations of contexts within assessments used in these qualifications. Some respondents cited the perceived benefits of centre contextualisation, which included the potential to make assessments more relevant for students. Some awarding organisations welcomed the flexibility the proposal would offer them.

Some respondents raised concerns with the proposed approach. These included the potential additional burden on teaching and support staff that centre contextualisation could generate and the risk that adaptations of contexts could result in changes to the validity or comparability of tasks set by awarding organisations.

Marking assessments

Most respondents agreed with the proposal to allow awarding organisations to permit centres to mark assessments used in these qualifications.

Some respondents recognised the benefits of allowing flexibility in the marking arrangements for these qualifications, although it was also suggested that in some cases it would be difficult for centres to capture all the evidence in a way that would enable an awarding organisation to quality assure the assessments. It was suggested that Ofqual should provide examples of good practice in managing centre marking.

Other considerations raised by respondents that agreed with the proposal included the need for clear mark schemes, the need to have a robust system to ensure standardisation of assessments, and the administrative burden that could be placed on providers where they are expected to mark assessments.

Where respondents did not agree with the proposal, it was largely on the basis that they felt that lack of consistency across qualifications could lead to questions about standards. Some respondents also suggested that centres are best placed to make judgements about competence in specific skills, whilst others observed that preferences for centre marking differs between centres.

Ofqual guidance on assessment

Most respondents agreed with the proposal for Ofqual to issue statutory guidance on assessment for these qualifications and on the factors that Ofqual proposed to be included in the guidance. Some respondents suggested that guidance would need to be sufficiently flexible to reflect the

needs of different sectors and occupational routes, although others suggested that if the guidance took the form of a list of principles and considerations, there would be a risk of it being interpreted differently by different awarding organisations.

Where respondents did not agree with the proposal, it was on the basis that it was difficult to respond to the detail in the question due to the concurrent consultation being run by DfE on the content of the NTOs. The need for both statutory guidance on assessment and assessment strategy requirements was also questioned.

Decision

Setting assessments and controlled conditions

Ofqual has decided to require awarding organisations to set all assessments.

Having assessments set by awarding organisations will help to ensure the reliability and validity of assessment tasks and enable awarding organisations to have better control of standards over time. Ofqual will not be specifying the method of assessment for these qualifications, meaning that awarding organisations can use methods that are appropriate to the occupational route, and have the flexibility to innovate.

Ofqual will also require awarding organisations to specify the controlled conditions under which the assessments used in their qualifications must be taken. Awarding organisations should determine what level of control is appropriate for their assessment approach and the relevant occupational routes. For clarity, Ofqual does not propose to specify the level of control under which the assessments used in these qualifications must be taken, nor to provide further guidance for awarding organisations. Awarding organisations will also have to consider manageability for centres when deciding their approach.

Centre contextualisation of assessments

Ofqual has decided to allow awarding organisations to permit centre contextualisation of assessments. This may include tailoring scenarios to local needs, to ensure the contexts are suitable for centres and students.

For clarity, awarding organisations will not be required to allow the adaptation of assessments by providers, but they will be permitted to do so. The appropriateness of centre contextualisation is likely to depend on the assessment design and the National Technical Outcomes in an occupational route.

Awarding organisations must also permit centre contextualisation only 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 will be required to provide guidance to support centres around any assessment contextualisation that they permit. They will be required to provide Ofqual with an explanation of their approach to adaptation of assessments in their assessment strategy.

Marking assessments

Ofqual has decided 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. They will also be required to demonstrate that effective controls will be in place to mitigate any risks around centre marking, in their assessment strategy.

Ofqual guidance on assessment

Ofqual has decided to issue statutory guidance setting out the factors that awarding organisations should consider in designing the assessments used in their qualifications. The draft guidance is [included in the technical consultation](#).

By issuing guidance rather than setting requirements, Ofqual is giving awarding organisations the flexibility to develop assessment approaches which are appropriate across the different sectors and occupational routes. Awarding organisations will however have to develop approaches which are in line with the general purposes, validly assess the relevant NTOs and explain how they have done so in their assessment strategies.

DfE has now published the final version of the NTOs and so awarding organisations will be able to refer to those when responding to Ofqual's technical consultation for these qualifications.

Grading

What Ofqual proposed

Ofqual proposed to require awarding organisations to use a common grading scale, with the following grades: Pass, Merit, Distinction, with an Unclassified result for students who do not achieve one of these grades.

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

Responses received

Most respondents agreed with this proposal, with many welcoming the clarity that the proposal will provide for awarding organisations, students, providers and other users of the results. Some respondents noted that the proposal was in line with some existing qualifications.

Some respondents suggested different grading scales although there was no consensus on what this should be. Some respondents said that the use of Unclassified would not fully align with existing definitions used by some awarding organisations and that alternatives such as 'not achieved' or 'fail' could be used instead.

Where respondents did not agree with the proposal, it was on the basis that a common grading scale should only be used where awarding organisations have common content and assessment approaches. It was suggested that a 3-point scale may not be appropriate for all occupational routes given the content of the NTOs.

Decision

Ofqual has decided to require awarding organisations to use a common grading scale (Pass, Merit, Distinction), with an appropriate result issued to students who do not meet the criteria to be awarded a specific level of attainment, for example, 'unclassified', 'not achieved' or an equivalent term.

Ofqual's view remains that the three-point grading scale proposed in the consultation is the most appropriate approach for these qualifications. Achievement of a Pass grade in a T Level Foundation Qualification is intended to demonstrate the outcomes in the NTOs through broad coverage of the relevant knowledge and skills that may indicate a student has the aptitude to progress onto level 3 study. Differentiation beyond a Pass grade may, however, help to motivate students and provide further evidence of attainment which may be considered in combination with other information to inform decisions about a student's readiness to progress.

Ofqual has considered the feedback that 'unclassified' may not align with existing achievement definitions. Ofqual has therefore amended the requirement, as set out above, so that a student who does not meet the criteria to be awarded a specified level of attainment must be issued with a result that reflects this. For example, this result could take the form 'unclassified', 'not achieved' or an equivalent term.

Standard setting

What Ofqual proposed

Ofqual proposed 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.

For assessments where grading is separate to the marking process, Ofqual proposed that awarding organisations would be expected to provide a full explanation of the technical methods used, including analysis and evidence used. Ofqual proposed to set out the range of evidence – both qualitative and quantitative – awarding organisations would be expected to consider.

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

Responses received

Most respondents agreed with the proposal to require awarding organisations to explain their approach to standard setting and the maintenance of standards in an assessment strategy. However, some awarding organisations requested further clarification on Ofqual's expectations in relation to standard setting. It was also suggested that there could be a significant variety in valid approaches to standard setting, given Ofqual did not propose a requirement for assessments to be mark-based, and that the requirements would need to allow for all these different approaches.

Most respondents agreed with the proposed approach to standard setting for assessments where grading is separate to the marking process. It was suggested that Ofqual should provide guidance on the range of qualitative and quantitative evidence that awarding organisations should consider as part of an awarding process.

It was noted that marking and grading are separate processes in terms of comparable qualifications, such as GCSEs. It was suggested that the same principles should be applied to other level 2 qualifications, such as T Level Foundation Qualifications.

Decision

Ofqual has decided to implement these proposals as consulted on. Awarding organisations will therefore be required to:

- explain their approach to standard setting and to the maintenance of standards over time within their qualification in an assessment strategy
- provide a full explanation of the technical methods used, including analysis and evidence used for assessments where grading is separate to the marking process

This will help to promote consistency across awarding organisations for these qualifications and ensure that awarding organisations use a suitable range of evidence when setting the standard for these qualifications and maintaining that standard over time.

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 have regard to any guidance, specified to it by Ofqual in relation to the qualification.

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

Responses received

Most respondents agreed with the proposal. Some awarding organisations noted that this proposal reflects standard practice for what they described as 'dual-regulated qualifications' and said that this approach is preferable to identifying any issues with the design or the controls within the qualification after assessment has taken place.

Some awarding organisations raised concerns regarding the impact of this proposal on the timescales for the introduction of these qualifications. Respondents thought that it would be important that sufficient time is given within the process to ensure that the Ofqual review does not delay when any new qualifications can be made available.

Decision

Ofqual has decided to put in place a requirement that, following a review by Ofqual, an awarding organisation must comply with any requirements, and have regard to any guidance, specified to it by Ofqual in relation to qualification supporting progression to T Levels.

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 that 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 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, to explain the circumstances for this, and to request that any additional requirements cease to apply. Ofqual may then specify additional requirements, for example, to determine the date from when any changes to an assessment strategy would be permitted.

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 just under half of respondents agreeing with the proposal. Some respondents noted that this requirement is the same as that which has been proposed for other qualifications in scope of the post-16 qualifications review.

Some awarding organisations suggested that responsibility to notify Ofqual if any of their qualifications have approval for public funding withdrawn, should not sit with them. Instead, they suggested that DfE or the Education Skills Funding Agency (ESFA) should notify Ofqual when approval for public funding was withdrawn.

It was suggested that Ofqual should set out what regulatory changes are likely to be expected if a qualification is defunded, and that this would allow awarding organisations to make informed

choices about the qualifications they offer and help protect the interests of students. More information was also sought on what 'additional requirements' meant and on what the process for appeals against any additional requirements specified by Ofqual would be.

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 review proposals
- a potential positive impact arising from the content proposals

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

- purposes
- assessment
- grading
- standard setting
- 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

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 disproportionately impact those students already facing other barriers to learning. Some respondents also commented on the potential impact of government funding decisions on the qualifications available to these groups of students.

The issue of whether existing Reasonable Adjustments would continue to be in place for T Level Foundation Qualification assessments was also raised.

Some respondents suggested mitigations of potential equality impact arising from the proposals. For example, assessments being kept to a reasonable duration so that exam access arrangements such as additional time would not unintentionally disadvantage students with SEND, and that there should be flexibility in assessment methodology requirements.

Decision

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

As with all regulated qualifications, T Level Foundation Qualifications will be regulated against Ofqual's General Conditions of Recognition (GCR). Awarding organisations will therefore need to comply with [Condition G6 \(Arrangements for Reasonable Adjustments\)](#). This Condition requires awarding organisations to make Reasonable Adjustments available so that disabled students can demonstrate their knowledge, skills and understanding.

In designing qualifications, awarding organisations will also 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 which could disadvantage a group of students who share a particular characteristic and

where these cannot be justified, remove them.

Ofqual will not set requirements around the length of assessments used in these qualifications. This will be determined by the awarding organisations. Awarding organisations will, however, be required to explain their assessment approach in their assessment strategy. This 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 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 [General Conditions E1.1 and E1.2 \(Qualifications having an objective and support\)](#) could reduce the regulatory burden of the proposal to adopt general purposes for these qualifications
- the proposal to require awarding organisations to explain in their assessment strategy how they have designed and developed their qualifications against DfE's NTOs, is likely to necessitate significant changes in current approaches to the design and development of similar qualifications
- as above, the statutory guidance on assessment is also likely to necessitate significant changes in current approaches to the design and delivery of existing qualifications in this space
- 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
- again, the impact of the proposal to require awarding organisations to use a common (Pass, Merit, Distinction) grading scale will depend on current approaches that awarding organisations have in place for existing qualifications
- further consideration of standard setting may be required by awarding organisations as a result of the standard setting proposals. that there may be a regulatory impact arising from this proposal to require awarding organisations to notify Ofqual when one of their qualifications ceases to be approved for public funding
- 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 commented on the burden arising from Ofqual's proposals and said that there could be additional costs for awarding organisations to align their qualification design, development and delivery to Ofqual's requirements. For example, any requirement to deliver more externally set assessments within a qualification would generally increase operating costs. It was also suggested that the development costs for awarding organisations that are not currently delivering T Levels could result in these qualifications becoming commercially unviable, and that the proposals should be considered in light of this.

Where respondents said that there would be additional costs introduced as a result of these proposals, none provided estimated figures. The need to ensure that any additional costs were not passed on to colleges was also raised.

As a potential mitigation against increased costs to awarding organisations, it was suggested that some of the new regulatory requirements being introduced as part of the post-16 L2B qualifications review could be consolidated, with exceptions made for particular qualifications where needed.

Some awarding organisations referred to the overall burden of DfE's post-16 reform programme, while others commented on the potential market impact of the reforms. It was noted that some qualifications are provided at a loss but are cross subsidised by similar qualifications at other levels, with a suggestion that student demand for the T Level Foundation Qualifications should be monitored.

It was also noted that if DfE were to require specific titling requirements for these qualifications, this may have an impact on awarding organisations should public funding be withdrawn. This would mean that awarding organisations would need to amend qualification documents and associated material if a qualification title had to be changed.

Some awarding organisations referred to the impact of tight qualification development timelines on innovation. An awarding organisation also suggested that the proposal for awarding organisations to set assessments and for these assessments to be taken under controlled conditions would have a negative impact on innovation.

Decision

Respondents did not identify any additional potential regulatory impacts as a result of the proposals, beyond those identified in the consultation. Ofqual acknowledged that several proposals would require changes in current approaches to the design, delivery and award of some qualifications and that some of these changes may have cost and resource implications on awarding organisations. Ofqual considered this as the proposals were developed and tried to minimise any additional burden as far as possible by only introducing additional controls where this was 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.

Ofqual will not prescribe the assessment methods to be used in these qualifications. Awarding organisations will therefore be able to select appropriate assessment methods and explain this in their assessment strategy.

Ofqual is committed to reviewing all the regulatory frameworks resulting from DfE's post-16 qualifications review at the end of the reforms, with a view to rationalising where possible and appropriate.

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 level 2 qualifications supporting progression to T Levels
- Technical consultation on Ofqual's draft conditions, requirements and guidance for Progression Qualifications (including T Level Foundation Qualifications) which will put Ofqual's policy decisions set out in this document into effect

[Back to top](#)

Is this page useful?

Yes

No

[Report a problem with this page](#)

Topics

[Benefits](#)

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

[Business and self-employed](#)

[Childcare and parenting](#)

[Citizenship and living in the UK](#)

[Crime, justice and the law](#)

[Disabled people](#)

[Driving and transport](#)

[Education and learning](#)

[Employing people](#)

[Environment and countryside](#)

[Housing and local services](#)

[Money and tax](#)

[Passports, travel and living abroad](#)

[Visas and immigration](#)

[Working, jobs and pensions](#)

Government activity

[Departments](#)

[News](#)

[Guidance and regulation](#)

[Research and statistics](#)

[Policy papers and consultations](#)

[Transparency](#)

[How government works](#)

[Get involved](#)

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

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

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



© Crown copyright