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ofqual

Consultation outcome

Analysis of responses: Regulating level 2 qualifications supporting progression to T

Levels

Updated 13 July 2023

Contents

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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."

Following successive reviews which highlighted the complexity and variable quality of the current system, the government is in the process of reforming post-16 qualifications at level 3 and below. The government is clear that the purpose of post-16 education is to support people to move into high-skilled jobs, either directly or through progression into good quality higher education courses. A levels have already been reformed and new T Levels are being introduced to strengthen the technical landscape at level 3.

For students who would benefit from additional support and preparation before taking a T Level, DfE has introduced the T Level Foundation Year (formerly T Level Transition Programme) which is 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. These qualifications are now 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. The consultation aimed to provide an opportunity for interested groups to comment on how Ofqual proposes to regulate these qualifications.

Summary

[This consultation](#) on the proposed regulatory arrangements for level 2 qualifications supporting progression to T Levels (now to be called T Level Foundation qualifications) ran from 26 January to 6 April 2023.

Respondents were generally supportive of the proposals in the consultation. There was strong support for Ofqual's proposals:

- to require awarding organisations to develop, follow, and keep under review and assessment strategy.
- to require awarding organisations to have regard to guidance specified by Ofqual in relation to assessment design
- to require awarding organisations to use a common grading scale of the following grades: Pass, Merit, Distinction

There were still high levels of support for the following proposals, but with a slightly higher level of disagreement:

- to require awarding organisations to prioritise the purpose statements in the order that they are set out
- to require all assessments to be taken under controlled conditions
- to require awarding organisations to inform Ofqual when approval for funding was withdrawn from one of their qualifications

Approach to analysis

The consultation consisted of 23 questions (including equality and regulatory impact questions) and was [published on Ofqual's website](#). Respondents were able to answer the questions using the online consultation platform or email their responses to Ofqual.

Respondents to this consultation were self-selecting, and therefore the sample of those that chose to participate cannot be considered representative of any group. Efforts were made to engage as many interested parties as possible by holding stakeholder events, as well as posting information on the Ofqual website and Portal for awarding organisations.

The responses to the consultation questions set out in this document are presented in the order they were asked. For all the questions, Ofqual presented background contextual information

followed by proposals. The questions asked respondents to indicate their level of agreement or disagreement with the proposal and presented an opportunity to provide additional comments. Respondents were not required to answer all the questions.

Who responded?

Ofqual received 19 written responses to the consultation. One response was in the form of a letter sent to Ofqual's public enquiry mailbox. The rest of the responses were received via the CitizenSpace consultation platform. Eighteen responses were official responses from the following organisations:

- 11 responses from awarding bodies or exam boards
- 3 responses from other representative or interest groups
- 2 responses from schools or colleges
- 1 response from a private training provider
- 1 response from an organisation which didn't provide any details

Ofqual also received one personal response from a school or college.

All the respondents were based in England.

Detailed analysis

Assessment strategies

> **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?

Extent of agreement	Number of respondents
Strongly agree	3
Agree	13

Neither agree nor disagree	2
Disagree	0
Strongly disagree	0
Not Answered	1

There were 18 responses to this question. Three respondents strongly agreed with the proposal, while 13 agreed and 2 neither agreed nor disagreed. One respondent, a representative body, did not answer the question but did provide comments.

There were 15 comments on the proposal. One respondent that strongly agreed with the proposal chose not to provide additional comments, as did 3 that agreed.

The 2 respondents that strongly agreed and provided comments were both awarding organisations, and both noted in their responses that the development of an assessment strategy is consistent with their own established approaches.

Two awarding organisations referred to the increased burden this requirement could place on awarding organisations - of these, one agreed with the proposal overall and one neither agreed nor disagreed with the proposal.

One awarding organisation, that agreed with the proposal, noted the consistency with regulatory arrangements that have been proposed for other groups of qualifications being consulted on as part of the post-16 qualifications review.

Four respondents said that they would like further clarity on the assessment strategy requirements, of which 3 were awarding organisations and one was a representative body. One of these respondents, an awarding organisation, said that it would be helpful if the assessment strategy requirements included links to the relevant Ofqual Conditions, while another awarding organisation sought clarity on the process for informing Ofqual of any changes to an assessment strategy. Another awarding organisation questioned whether each qualification would need its own individual assessment strategy.

The representative body that provided comments only suggested that how much awarding organisations agreed or disagreed with the use of an assessment strategy wholly depended on what the document would look like. They questioned whether a template would be provided, as did an awarding organisation that neither agreed nor disagreed with the proposal overall.

Two of the comments were out of the scope of the question - one was about the marking of assessments by awarding organisations and the other was about the broader aims of the T Level Foundation Year.

Question 2

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

Yes or No	Number of respondents
Yes	11
No	7
Not Answered	1

There were 18 responses to this question. Eleven respondents answered 'yes', 7 answered 'no' and one respondent did not answer. However, one respondent that answered 'no' and the respondent that did not answer also chose to provide comments. This means a total of 13 respondents provided comments on the proposed areas to be included in assessment strategies.

Three awarding organisations noted that these assessment strategy requirements would be consistent with the requirements for similar qualifications. One of these suggested that this commonality should mean these requirements would pose no complications for awarding organisations. Another said it would be useful to have a single section covering moderation or Centre Assessment Standards Scrutiny (CASS) for centre-marked assessments, rather than having this information spread across several sections.

Two representative bodies indicated their overall support for the approach, and one of these also listed the areas they said should be included in the assessment strategy to provide additional context for their comment. Another representative body agreed with some of the areas in scope, but not all, and suggested that the breadth of the assessment strategy requirements would provide little flexibility for providers where marking assessments in-house was permitted.

Two respondents questioned why certain aspects of an awarding organisation's approach would need to be included in an assessment strategy for these qualifications. One respondent, a representative body, questioned why awarding organisations would need to justify their approach to areas covered by statutory guidance, suggesting that following the guidance set by Ofqual would be enough. An awarding organisation questioned whether there needed to be any justification of grading scales in assessment strategies for these qualifications, given Ofqual's intention to specify a common grading scale.

A private training provider said there needed to be a consistent approach from all awarding organisations to provide a good platform for student development and progression. An awarding organisation generally welcomed the additional structure and guidance contained in the proposals without going into detail.

One awarding organisation referred to the issue of administrative burden, suggesting that it would be helpful to be able to refer to overarching policy statements or procedures rather than including the detail in a specific assessment strategy document for an individual qualification.

Two of the comments were out of the scope of the question. One respondent, a school or college, suggested external exams should be kept to a minimum. Another respondent, a representative body, said that as level 2 qualifications supporting progression to T Levels are not prerequisites for students wishing to progress to a T Level, evidence of attainment must be used alongside other

information to assess readiness to progress to a T Level.

One comment referred to policy decisions outside of the scope of this consultation, such as the length of the T Level Foundation Programme.

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.

> ### Question 3
>
> Do you have any comments on the proposed general purposes set out for level 2 qualifications supporting progression to T Levels?

Yes or No	Number of respondents
Yes	12
No	7

There were 19 responses to this question. Twelve respondents answered 'yes' and provided comments, and 7 answered 'no' and did not provide comments. This means that a total of 12 respondents provided comments.

Four respondents commented that the proposed purposes were too broad. Of these, one respondent said that the breadth of purposes could lead to a lack of standardisation of qualifications across awarding organisations. One respondent suggested that the purposes would make the qualification development process more complicated than necessary, while another suggested that 5 purposes were too many.

Several respondents referred to specific purposes in their responses.

Four respondents, all of them awarding organisations, referred to Purpose E in their comments. One suggested that Purpose E was not needed as they felt grading to be a characteristic of a qualification rather than a purpose, while another felt Purpose E was inconsistent with Purpose A and that a Pass or Fail grading scale would fulfil Purpose A. One felt that Purpose E being the lowest priority meant there was a risk that the principle of having qualifications which can provide a range of progression routes could be given less importance than it deserves, while another felt it was unclear how Purpose E linked to DfE's policy for these qualifications.

Two respondents, both awarding organisations, referred to Purpose A. One said that Purpose A should be the primary purpose for these qualifications, while the other felt that Purpose A should be reworded to incorporate the requirement for these qualifications to meet the National Technical Outcomes for each occupational route.

Two respondents, both awarding organisations, referred to Purpose C in their responses. Both suggested that Purpose C was more likely to be a function of the quality of teaching or delivery of a qualification than a qualification purpose, although one also acknowledged that awarding organisations could influence this by encouraging providers to be innovative in delivery.

One respondent, an awarding organisation, referred to Purpose B in their response. They felt the purpose could be better articulated to reflect the fact the T Level Foundation Year provides opportunities for the development of skills and not just demonstration.

One respondent, an awarding organisation, referred to Purpose D in their response. They felt that Purpose D could suggest that if a student gets a Pass grade, and not a Merit or Distinction, it might not have sufficient weight to support that student's progression onto a T Level.

Two respondents, both awarding organisations, commented on the prospect that students would progress to destinations other than T Levels. One suggested that the proposed purposes were too limiting to reflect the intention of the qualification to support progression onto apprenticeships, while another felt it would be important to recognise that these qualifications may be taken by young people who do not progress onto a T Level and to reflect that in the way the qualifications are designed.

One respondent, an awarding organisation, suggested that the purposes may need to be appropriate for different sectors and occupations but did not explain what they meant in practice.

> ### 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.

Extent of agreement	Number of respondents
Strongly agree	0

Agree	9
Neither agree nor disagree	5
Disagree	4
Strongly disagree	0
Not Answered	1

There were 18 responses to this question. Nine respondents agreed with the proposal, 4 respondents disagreed and 5 neither agreed nor disagreed. One respondent did not answer the question but did provide comments. Sixteen respondents provided comments. Of the respondents that chose not to provide comments, 2 agreed with the proposal and one disagreed.

Three respondents that agreed with the proposal, all awarding organisations, said that they agreed with the order of prioritisation. However, some awarding organisations caveated their overall agreement with the proposal. One suggested that the principle of differentiation between students' attainment should not be ignored, while another said they would welcome a review of Purpose A. One welcomed Purposes A and B as clear purpose statements while suggesting that Purposes C-E read more as requirements of qualification design and delivery than as general purposes. One awarding organisation that agreed with the proposal overall suggested that awarding organisations, in discussions with other stakeholders, should be able to prioritise the general statements.

Two respondents that agreed with the proposal, both representative groups, did so on the basis that the acquisition of knowledge and skills, applied in practical, engaging contexts is key, with one expanding on this to refer specifically to progression in vocational and technical subjects.

One respondent that disagreed, a school or college, did so on the basis that providers needed to have the flexibility to work with students to ensure successful destinations as some would move to apprenticeships or employment. Another respondent suggested that the purposes should have equal weighting as progression to a T Level would not be a priority for all students.

One respondent suggested that there should be one primary purpose for these qualifications but did not expand to say what that purpose should be. Two respondents who neither agreed nor disagreed with the proposal suggested that Purpose E should be a higher priority. One awarding organisation said that Purposes A and B were distinct to these qualifications and should be prioritised in that order but that the others should be considered desirable outcomes for all qualifications. One awarding organisation welcomed the guidance provided on how to prioritise the purposes. One awarding organisation asked for clarity on how Ofqual would regulate similar qualifications with the same aim, but which have been developed by multiple awarding organisations using the purpose statements in different priority orders. The same point was also raised by the respondent that did not answer the question but provided comments.

The respondent that did not answer the question, a representative body, also asked why Purpose E was last in the order of priority. They said they would welcome further insight into the rationale behind the proposed order of priority.

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.

Extent of agreement	Number of respondents
Strongly agree	2
Agree	9
Neither agree nor disagree	3
Disagree	3
Strongly disagree	1
Not Answered	1

There were 18 responses to this question. Two respondents strongly agreed with the proposal, 9 respondents agreed, 3 disagreed, one strongly disagreed and 3 neither agreed nor disagreed. One respondent that did not answer the question, did provide additional comments. In total, 13 respondents provided comments.

A respondent who strongly agreed with the proposal, and 3 who agreed with the proposal, suggested that it was sensible to disapply General Conditions E1.1 and E1.2 where they were superseded by new Conditions specific to these qualifications. One of those respondents agreed that disapplying these Conditions would ensure that there is no conflict or duplication between the qualification's general purposes and Ofqual's General Conditions. One respondent that agreed with the proposal asked whether the disapplication of Conditions E1.1 and E1.2 would only apply to qualifications that progress to T Levels.

The respondent that did not answer the question provided a comment suggesting that disapplying General Conditions E1.1 and E1.2 made sense given the nature of these qualifications.

Two respondents that disagreed with the proposal said that having a clear objective would be important for these qualifications as they are intended to enable students to progress. The other respondent that disagreed said that they did so based on their response to a previous question, although they did not specify which one.

The respondent that strongly disagreed with the proposal did so on the basis that students that did not progress onto a T Level still needed to have a progression route open to them.

Two respondents that neither agreed nor disagreed with the proposal, both awarding organisations, provided comments. One said it was not obvious that there would be a conflict with the General Conditions if E1.1 and E1.2 remained in force for these qualifications, while the other noted that the

General Conditions refer to qualifications having an objective whereas the consultation sets out proposed general purposes.

Content

> ### Question 6
>
> To what extent do you agree or disagree with the proposal to require awarding organisations to explain how they have covered the National Technical Outcomes (NTOs) in their assessment strategy for qualifications supporting progression to T Levels?

Extent of agreement	Number of respondents
Strongly agree	2
Agree	12
Neither agree nor disagree	2
Disagree	1
Strongly disagree	1
Not Answered	1

There were 18 responses to this question. Two respondents strongly agreed with the proposal, 12 agreed, 1 disagreed, 1 strongly disagreed and 2 neither agreed nor disagreed. One respondent did not answer the question but did provide additional comments. A total of 9 respondents commented on the proposal.

Four respondents that agreed with the proposal provided additional comments to explain their answers. Two of these respondents said mapping to the NTOs would enable the qualifications to cover the relevant knowledge, skills and behaviours, although one said that it could be that not all of the content covered in the NTOs could or should be contained in a single qualification. One respondent suggested that the proposal made sense given these qualifications are intended to help students to progress to T Levels.

One respondent that agreed with the proposal asked for clarification on how the NTOs are intended to be used in the development of these qualifications. This was because DfE has said that the NTOs will be 'a framework' for these qualifications rather than their 'basis'. They also requested clarity on the depth of information on the use of the NTOs that would be required in the assessment strategy, as did the respondent who only provided a comment.

The respondent that disagreed with the proposal, an awarding organisation, said that they agreed with the requirement being included in the assessment strategy but had concerns with the NTOs themselves which they had communicated directly to DfE. They said it was unclear what the proposed content of the NTOs would be and that they were concerned about how Purpose B could be meaningfully achieved in some occupational routes.

The respondent that strongly disagreed with the proposal questioned how the qualification would be able to cover the technical outcomes for potentially dozens of specialisms.

Where respondents neither agreed nor disagreed with the proposal, one said it was difficult to comment given DfE has indicated a review of the NTOs is being undertaken, while the other agreed that awarding organisations should have to explain their coverage of the NTOs but had concerns about the development of the knowledge, skills and behaviours being accessible to all students.

Assessment

> ### Question 7
>
> To what extent do you agree or disagree with the proposal to require awarding organisations to set assessments for these qualifications?

Extent of agreement	Number of respondents
Strongly agree	1
Agree	10
Neither agree nor disagree	3
Disagree	3
Strongly disagree	2
Not Answered	0

There were 19 responses to this question. One respondent strongly agreed with the proposal, 10 agreed, 3 disagreed, 2 strongly agreed, and 3 neither agreed nor disagreed. Thirteen respondents chose to provide additional comments.

Five of the respondents that agreed with the proposal provided comments. Two awarding organisations said that awarding organisations were best placed to maintain standards, while a representative body said that as awarding organisations will be required to develop robust assessment strategies it follows that they should set the assessments for the qualifications.

Two respondents that agreed with the proposal caveated their responses. One awarding organisation that agreed with the proposal sought clarity on whether the requirement is that a new assessment would be released by the awarding organisation every year, or whether the requirement is that an assessment that has been written by the awarding organisation is available to the provider. A representative body said that assessment needed to be proportionate to the Total Qualification Time (TQT) and the level of the qualification. A representative body that neither agreed nor disagreed made the same point.

Two of the respondents that disagreed, both awarding organisations, did so on the basis that they sought greater flexibility in the approach to assessment. One of these suggested that there could be a negative effect on innovation in assessment. A representative body that disagreed with the proposal was unsure why internally set assessment was not being considered given Ofqual is confident in its use for other types of qualification.

One of the respondents that strongly disagreed with the proposal, a school or college, did so on the basis that it would lead to a 'bland curriculum' and limit the ability of students to demonstrate the skills needed to progress. An awarding organisation that strongly disagreed felt that practical contexts would be difficult to assess through a task set and controlled by an awarding organisation and that it may not be appropriate for all occupational pathways. The same point was made by a school or college that neither agreed nor disagreed.

One of the respondents that neither agreed nor disagreed referred to the need to offer career progression advice to students and that progression to apprenticeships also needs to be considered.

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?

Extent of agreement	Number of respondents
Strongly agree	2
Agree	6
Neither agree nor disagree	5
Disagree	3
Strongly disagree	2
Not Answered	1

There were 18 responses to this question. Two respondents strongly agreed with the proposal, 6 agreed, 3 disagreed, 2 strongly disagreed, and 5 neither agreed nor disagreed. One respondent did not answer the question but did provide additional comments. A total of 14 respondents provided comments.

Four respondents that agreed with the proposal provided comments. One awarding organisation said they agreed with the proposal without expanding on their reason, while the other 3 respondents provided suggestions on how the approach could be implemented. Of these, one awarding organisation suggested the assessment could be taken during a specified window with low levels of control, so that the assessment was manageable. Another awarding organisation suggested that controls could be specified according to the qualification's content and assessment approach. A representative body suggested Ofqual should provide additional guidance to awarding organisations on the factors to consider when specifying controlled conditions.

Two respondents that disagreed with the proposal provided comments. One, a representative body, referred to the need for assessment to be manageable for students and providers, while another respondent said it was important that assessment did not just assess knowledge and omit any practical activity.

Two respondents that strongly disagreed provided comments. A school or college referred to the logistical issues that delivering assessments under controlled conditions at scale can present. An awarding organisation suggested that contextualisation of tasks could limit the ability of awarding organisations to control tasks to a degree that enables confidentiality and predictability to be maintained.

Five respondents that neither agreed nor disagreed with the proposal provided comments. Two awarding organisations and a school or college suggested that the proposal may not be suited to all occupational routes while an awarding organisation said that, whether or not, the proposal was reasonable would depend on the assessment method, where Ofqual has chosen not to set additional controls. A personal respondent from a school or college that neither agreed nor disagreed said that the assessment needs to be manageable for students and colleges.

The respondent that only provided a comment, a representative body, suggested that this approach would be acceptable on the basis that it is already common practice in other types of qualification.

> **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?

Extent of agreement	Number of respondents
Strongly agree	2
Agree	12
Neither agree nor disagree	3

Disagree	0
Strongly disagree	1
Not Answered	1

There were 18 responses to this question. Two respondents strongly agreed with the proposal, 12 agreed, one strongly disagreed, and 3 neither agreed nor disagreed. One respondent did not answer the question. A total of 12 respondents provided comments.

Of the 12 respondents who agreed with the proposal, 8 provided comments. Two made general comments indicating their support for the proposal, while the other 6 provided further detail to explain why they supported the proposal.

One awarding organisation that agreed with the proposed approach welcomed the flexibility it offered, while another awarding organisation said it was useful that awarding organisations would be able to set the parameters and permissions. However, one awarding organisation that agreed with the proposal, suggested that they would welcome clarification around how Ofqual anticipates awarding organisations will balance contextualisation of assessments with the principles of predictability and security. A representative body that agreed with the proposal pointed out the risk that adaptations of contexts could reduce validity and comparability, which was also mentioned by an awarding organisation that neither agreed nor disagreed.

A private training provider that agreed with the proposal, said that they did so as long as this did not lead to a 'watering down' of the outcome of assessments as a result of adaptations. A representative body agreed as long as this did not lead to an additional burden on teaching and support staff. This was also a concern of a representative body that neither agreed nor disagreed.

A school or college that strongly disagreed with the proposal said in their comments that adaptation of contexts must be allowed, which suggests that they may have misread the question.

One awarding organisation that neither agreed nor disagreed said that assessments set by awarding organisations will need to be suitable for adaptations which will allow providers to utilise existing resources where possible.

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?

Extent of agreement	Number of respondents
Strongly agree	3
Agree	12

Neither agree nor disagree	2
Disagree	1
Strongly disagree	0
Not Answered	1

There were 18 responses to this question. Three respondents strongly agreed with the proposal, 12 agreed, one disagreed and 2 neither agreed nor disagreed. One respondent did not answer the question but did provide additional comments. A total of 14 respondents provided comments.

Two respondents that strongly agreed with the proposal provided comments. One school or college suggested marking schemes needed to be clear and adaptable, while an awarding organisation said flexibility to implement centre-marked assessments was essential in order to enable assessments to be carried out at the necessary scale.

Eight respondents that agreed with the proposal provided comments. Two of these respondents made general comments indicating their agreement while the other 6 provided additional context to explain why they agreed.

One awarding organisation said it would be particularly important to allow centres to mark assessments where they have been permitted to adapt the context of assessments or where students are required to demonstrate their skills. One awarding organisation that agreed said that centre-marked assessments could be more valid, but another awarding organisation 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 moderate the assessments reliably.

A private training provider that agreed with the proposal said there needed to be a robust system in place for the standardisation of assessments and moderation of results, while a school or college said it would depend on the quality parameters around the qualification and the size of the task. A representative body that agreed with the proposal suggested Ofqual should consider providing examples of good practice in managing centre marking.

A representative body that disagreed with the proposal said that lack of consistency across qualifications could lead to questions about standards and that assessments should be marked in the same way for these qualifications as they are for T Levels. This point was also made by a representative body that neither agreed nor disagreed with the proposal, although they also said that it was just as important to ensure technical qualifications were not assessed in the same way as academic ones.

Two respondents that neither agreed nor disagreed with the proposal provided comments. An awarding organisation said that centres are best placed to make judgements about competence in specific skills, while a representative body said that preferences for marking in-house differed between centres.

The respondent that only provided a comment said that not allowing centres to mark assessments would have cost and capacity implications for awarding organisations, which would have a negative

impact on students' experiences.

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?

Extent of agreement	Number of respondents
Strongly agree	5
Agree	11
Neither agree nor disagree	2
Disagree	1
Strongly disagree	0
Not Answered	0

There were 19 responses to this question. Five respondents strongly agreed with the proposal, 11 agreed, and 2 neither agreed nor disagreed. A total of 7 respondents provided comments.

One representative body that strongly agreed with the proposal said they agreed with both the proposal to issue statutory guidance and the proposal to require awarding organisations to explain their approach in the assessment strategy, as did an awarding organisation that agreed. However, the respondent that only provided a comment said that they disagreed with the proposal to have both statutory guidance and an assessment strategy requirement.

One awarding organisation that agreed with the proposal said that if the Ofqual guidance takes the form of a list of principles and considerations, it could be interpreted differently by different awarding organisations. However, an awarding organisation that agreed with the proposal suggested that guidance needed to be proportionate and not too rigid. Another awarding organisation that agreed with the proposal said that statutory guidance should be sufficiently flexible for the requirements of different sectors and occupations.

The awarding organisation that neither agreed nor disagreed with the proposal said 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.

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?

Yes or No	Number of respondents
Yes	8
No	10
Not Answered	1

Seventeen respondents answered the question. Eight answered 'yes' and 10 answered 'no'. One did not answer the question but did provide comments. A total of 9 respondents provided comments.

Two representative bodies said that assessment should be proportionate to the total qualification time and level. One awarding organisation suggested that although there should be guidance on qualification size, as the occupational routes vary in size, the amount of knowledge, skills and understanding required to complete the assessment will also vary.

Two awarding organisations said that the areas to be covered by guidance would be useful, although one also said that it was difficult to respond to the question due to the concurrent DfE consultation on the content of the NTOs. A representative body said that the guidance proposed should support the delivery of assessments which are fit for their intended purpose, and which are robust.

An awarding organisation also suggested that the crossover between the proposed guidance and what has been proposed for coverage in an assessment strategy could create unnecessary work for awarding organisations and for Ofqual.

Grading

Question 13

To what extent do you agree or disagree with the proposal to require 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?

Extent of agreement	Number of respondents
Strongly agree	3

Agree	12
Neither agree nor disagree	2
Disagree	1
Strongly disagree	0
Not Answered	1

There were 18 responses to this question. Three respondents strongly agreed with the proposal, 12 agreed, one disagreed, and 2 neither agreed nor disagreed. One respondent did not answer the question. A total of 11 respondents provided comments.

Four respondents referred to the clarity this proposal would provide. One respondent that strongly agreed with the proposal, a school or college, said that consistency across all these qualifications is paramount for students, employers and universities. One awarding organisation that agreed with the proposal said that this would lead to commonality across awarding organisations and for providers and students. A representative body that agreed said that this would bring clarity for users of the results. A school or college that agreed also said the proposal would provide clarity for employers and other stakeholders.

Two representative bodies that agreed with the proposal noted that it was in line with some existing qualifications, as did an awarding organisation that disagreed with the proposal. One awarding organisation that agreed with the proposal said that the use of 'unclassified' would not fully align with existing definitions used by some awarding organisations and suggested that alternatives such as 'not achieved' or 'fail' could be used instead.

One awarding organisation that agreed with the proposal noted that many employers in their sector did not like the proposed grading scale but felt that a common scale would be appropriate for these qualifications given their intention to provide a progression route to T Levels.

One awarding organisation that disagreed with the proposal did so on the basis that there had been no consideration of whether DfE's proposed NTOs for each T Level route support a grading scale of Pass, Merit, and Distinction.

An awarding organisation that neither agreed nor disagreed with the proposal said that a common grading scale should generally only be used where there is a commonality in the content and assessment methods adopted by awarding organisations. They also questioned whether a 3-point grading scale would be sufficient to differentiate across the cohort taking these qualifications. They suggested a D* grade could be considered, as did a school or college that agreed with the approach.

Standard setting

Question 14

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

Extent of agreement	Number of respondents
Strongly agree	5
Agree	12
Neither agree nor disagree	1
Disagree	0
Strongly disagree	0
Not Answered	1

There were 18 responses to this question. Five respondents strongly agreed with the proposal, 12 agreed and one neither agreed nor disagreed. One respondent did not answer the question but did provide comments. A total of 6 respondents provided comments.

One respondent that strongly agreed with the proposal, an awarding organisation, said that a coordinated approach across awarding organisations would be important to build confidence across the sector in the new qualifications. Another respondent that strongly agreed provided a comment indicating their agreement with the proposal but did not explain why.

Two awarding organisations, one of which strongly agreed and the other that only provided comments, requested further clarification from Ofqual on its expectations in relation to standard setting. They thought this would ensure that awarding organisations are clear about Ofqual's expectations from the outset of qualification development. The respondent that only provided comments said it was difficult to determine their level of agreement with the proposal without knowing what approach will be taken by the guidance, which they felt could not be decided until the DfE's consultation on the NTOs had concluded.

One respondent that neither agreed nor disagreed with the proposal provided comments. They said that as Ofqual is not setting requirements for assessments to be mark-based, there could be a significant variety in valid approaches to standard setting, so Ofqual would need to ensure the requirements allowed for all these different approaches.

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?

Extent of agreement	Number of respondents
Strongly agree	2
Agree	12
Neither agree nor disagree	4
Disagree	0
Strongly disagree	0
Not Answered	1

There were 18 responses to this question. Two respondents strongly agreed with the proposal, 12 agreed, and 4 neither agreed nor disagreed. One respondent did not answer the question. Seven respondents provided comments.

A representative body that strongly agreed with the proposal gave a comment stating they agreed with it but did not explain why. An awarding organisation that agreed with the proposal also did this.

One respondent that agreed with the proposal, a representative body, noted that marking and grading are separate processes in terms of comparable qualifications, such as GCSEs, and said that the same principles should be applied to other level 2 qualifications such as these qualifications. An awarding organisation that agreed commented that it would be useful for Ofqual to provide guidance on the range of qualitative and quantitative evidence that awarding organisations should consider as part of an awarding process. A private training provider that agreed did so provided the level of demand is maintained and is consistent across awarding organisations and providers.

Two respondents that neither agreed nor disagreed with the proposal provided comments. An awarding organisation stated that they required further clarity around what the additional requirements will be in order to respond to this question, while a school or college said it would depend on the occupational route.

Ofqual review

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?

Extent of agreement	Number of respondents
Strongly agree	4
Agree	14
Neither agree nor disagree	0
Disagree	0
Strongly disagree	0
Not Answered	1

There were 18 responses to this question. Four respondents strongly agreed with the proposal while 14 agreed. One respondent did not answer the question but did provide comments. A total of 6 respondents provided comments.

Three respondents said in their comments that they agreed with the proposal but did not explain why. Of these, one strongly agreed and 2 agreed with the proposal.

Two awarding organisations, one which agreed with the proposal and one which did not answer the question, noted that this proposal is standard practice for what they described as 'dual-regulated qualifications'. An awarding organisation that agreed with the proposal felt that this approach is preferable to identifying any issues with the design or the controls within the qualification after assessment has taken place.

Two awarding organisations, one which agreed with the proposal and one which only provided a comment, raised concerns about the impact of this proposal on the timescales for the introduction of these qualifications. One noted that it would be important that sufficient time is given within the review process to ensure that the Ofqual review does not delay any new qualifications being made available.

Managing the withdrawal of public funding

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?

Extent of agreement	Number of respondents
Strongly agree	3
Agree	5
Neither agree nor disagree	4
Disagree	4
Strongly disagree	1
Not Answered	2

There were 17 responses to this question. Three respondents strongly agreed with the proposal, 5 agreed, 4 disagreed, one strongly disagreed, and 4 neither agreed nor disagreed. Two respondents did not answer the question, but one of these did provide comments. A total of 11 respondents provided comments.

One awarding organisation that agreed with the proposal noted that this requirement is the same as has been proposed for other qualifications in the scope of the post-16 qualifications review, as did an awarding organisation that neither agreed nor disagreed.

One representative body that neither agreed nor disagreed with the proposal said that Ofqual should set out what regulatory changes are likely to be expected if a qualification is defunded. They said that this would allow awarding organisations to make informed choices about the qualifications they offer and help protect the interests of students.

All 5 of the respondents that strongly disagreed or disagreed with the proposal were awarding organisations and all of them provided comments suggesting that Ofqual should get the information from DfE or the Education Skills Funding Agency (ESFA). Three of the 4 respondents that neither agreed nor disagreed with the proposal and provided comments, all of them awarding organisations, also said this, as did the respondent that only provided comments, a representative body. Their comments focused largely on the notification of funding withdrawal aspect of the proposal and did not engage with the wider purpose of the requirement, which is to protect the interests of students taking the qualifications at the time of funding withdrawal.

The respondent that only provided comments also felt that more information was needed on what 'additional requirements' meant. They also asked for a robust, transparent and timely process for appeals against any decisions made in relation to any additional requirements specified by Ofqual.

Equality impact

> **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.

Yes or No	Number of respondents
Yes	8
No	10
Not Answered	1

Eight respondents answered 'yes' to this question, 10 answered 'no' and one did not answer the question. One respondent who answered 'no' provided additional comments, meaning that a total of 9 respondents provided additional comments.

Four respondents gave comments relating to students with special educational needs and disabilities (SEND). Two of these respondents noted that students with SEND are a higher proportion of the students taking L2B qualifications. One respondent referred to the impact on students with SEND of having all assessments set by awarding organisations and taken under controlled conditions. One respondent made a comment outside the scope of this consultation, stating that the impact of wider government policy decisions meant that SEND students were more likely to be taking the types of qualifications now, that would be unlikely to gain funding approval in the new landscape.

Four respondents gave comments relating to students from disadvantaged socio-economic backgrounds. Two of these commented on the higher proportion of students from such backgrounds taking qualifications at L2B than at higher levels. One respondent noted that students from disadvantaged socio-economic backgrounds were more likely to be taking qualifications that are expected to no longer be available following the review process than those remaining. One respondent suggested that issues affecting these students cannot be addressed by Ofqual alone and referred to wider government post-16 policy.

One respondent gave comments relating to students of different racial backgrounds, noting that the DfE impact assessment had not identified which particular groups of students were most likely to be affected by the proposals.

One respondent mentioned the impact of assessment design and development on the accessibility of assessments but did not provide any additional context for their comments.

One respondent said they assumed that measures such as Reasonable Adjustments would continue to be in place for these qualifications.

> **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?

Yes or No	Number of respondents
Yes	4
No	13
Not Answered	2

There were 17 responses to this question. Four respondents answered 'yes', 13 answered 'no' and 2 did not answer the question. Four respondents in total left comments.

Two representative bodies questioned whether reducing the number of qualifications available at levels 1 and 2 will have a negative impact on students with protected characteristics, with one of these respondents specifically mentioning students with SEND.

Those 2 representative bodies also said that Ofqual should ensure that assessments are 'reasonable', without clarifying what they meant by this, and that Ofqual should ensure exam access arrangements for students with SEND do not unintentionally disadvantage them. One added that assessments should be kept to a reasonable duration so that exam access arrangements, such as additional time, would not unintentionally disadvantage students.

One respondent advocated for increased flexibility in assessment methodology requirements, whilst requiring awarding organisations to provide a strong and robust rationale for their assessment choices as part of their assessment strategy.

An awarding organisation referred to their answer to question 18, in which they referred to the need to manage the risk that some students will struggle to access the qualifications that best suit their requirements.

Regulatory impact

> ### 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?

Yes or No	Number of respondents
Yes	5

No	12
Not Answered	2

There were 17 responses in total to this question. Five respondents answered 'yes', 12 answered 'no' and 2 did not answer the question. One respondent that answered 'no' provided additional comments, meaning that there were 6 comments in total.

Four comments, all from awarding organisations, highlighted the regulatory burden of the reforms and associated consultations on L2B qualifications. A representative body said there were no specific impacts arising from the proposals in the consultation but noted the impact of the planned reduction in the number of qualifications available at L2B.

One awarding organisation also expressed concern about Ofqual's capacity to implement these and other proposals in a timely and effective manner. This respondent stated that if the process is not 'smooth' then students will suffer as a result.

One awarding organisation argued that if DfE requires specific titling requirements, this may have an impact on awarding organisations should public funding be withdrawn. The impact could include burden related to amending qualification documents and associated material if a qualification title must be changed.

Two awarding organisations commented on the overall market impact of the reforms. They cautioned that it will be important to avoid market failure in the new landscape, as this could lead to 'pockets of essential provision' not being made available due to the prohibitive costs of making them available. One of these respondents noted that some qualifications are provided at a loss but are cross-subsidised by similar qualifications at other levels. They said it would be important to monitor the number of these qualifications that have a low level of demand but are essential to the students that take them.

> **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.

Yes or No	Number of respondents
Yes	6
No	11
Not Answered	2

There were 16 responses to this question. Six respondents answered 'yes', 11 answered 'no' and 2

did not answer the question. One respondent that answered 'no' provided additional comments, meaning that there were 7 comments in total.

Of the respondents that provided comments, 4 identified potential additional costs, while none identified potential savings or other benefits. None of the respondents provided estimated figures.

Two respondents, both representative bodies, said that it will be important to ensure that any additional costs for awarding organisations are not passed on to colleges.

One awarding organisation said that there will be additional costs for awarding organisations as they ensure they align their qualification development and delivery to the requirements. This respondent said that, in general, the more external assessment within a qualification the higher the costs of operating it for an awarding organisation.

One awarding organisation provided a list of areas where additional costs will be incurred, such as the development of teaching and learning materials, technological development, training and recruitment of staff, and quality assurance and centre monitoring. A representative body also provided a list of such areas, including training of staff, purchase of equipment, and changes in provider practice such as uploading of assessment materials. Neither provided details of these costs.

One awarding organisation suggested that the development costs for awarding organisations that are not T Level providers could result in these qualifications becoming commercially unviable.

One awarding organisation suggested that some of the new regulatory requirements being introduced through the L2B qualifications review could be consolidated into more generic approaches, with exceptions made for particular qualifications where needed.

Question 22

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

Yes or No	Number of respondents
Yes	4
No	12
Not Answered	3

There were 16 responses to this question. Four respondents answered 'yes', 12 answered 'no' and 3 did not answer the question. However, 2 respondents that answered 'no' and one respondent that did not answer the question provided comments. This means that a total of 7 respondents provided comments.

Two respondents referred to the cost impact of changes that would need to be made in current practice by awarding organisations and providers. A representative body said that the impact on providers needed to be central to any consideration of the costs and benefits of the proposals.

A school or college referred to the cost of delivering T Level assessments and said that the current level of funding does not sufficiently cover this. They suggested that an evaluation of the additional resource needed to deliver T Level Foundation qualifications would be needed.

An awarding organisation suggested that Ofqual should consider the impact of these proposals on awarding organisations which do not deliver one of the T Level qualifications, suggesting those awarding organisations would be financially disadvantaged.

One awarding organisation agreed with the areas Ofqual has identified as having a cost and resource impact on awarding organisations without providing any additional information.

One private training provider made a general comment that quality should be a key driver for the education system.

> **Question 23**
>
> Do you have any comments on the impact of the proposals on innovation by awarding organisations?

Yes or No	Number of respondents
Yes	7
No	11
Not Answered	1

There were 18 responses to this question. Seven respondents answered 'yes', 11 answered 'no' and 1 did not answer the question.

Two awarding organisations referred to the impact of tight qualification development timelines on innovation. One awarding organisation expressed concern about the lead time for the review and approval process, particularly the outcomes of review where revisions are required.

A representative body questioned whether smaller awarding organisations will have the capacity to innovate. Another representative body suggested that awarding organisations are using resources to respond to consultations and implement changes, meaning no resources are left for innovation.

One awarding organisation 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 by awarding organisations. This respondent also suggested that it was difficult to comment on the proposals in full before the outcome of the DfE consultation on

NTOs is known.

A representative body said that 'bureaucracy' should not limit awarding organisations' ability to innovate when required.

Annex A: List of organisational respondents

When completing the consultation questionnaire, respondents were asked to indicate whether they were responding as an individual or on behalf of an organisation. These are the organisations that submitted a non-confidential response:

- ASCL
- Association of Accounting Technicians (AAT)
- Association of Colleges
- City & Guilds
- EAL
- Federation of Awarding Bodies
- Gateway Qualifications
- GET-Gloucestershire Engineering Training
- Head of Products
- Lantra
- Luminate
- National Foundation for Educational Research
- OCR
- Open Awards
- Pearson Education
- The Independent Schools Association
- Waltham Forest College

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