

CONSULTATION

Regulating level 2 and below Progression Qualifications

Consultation on Ofqual's conditions, requirements
and guidance for Progression Qualifications in
England

ofqual

Contents

Foreword	4
Proposals at a glance	5
Audience	6
Consultation arrangements	6
Duration	6
Respond	6
Introduction	7
Proposed conditions, requirements and guidance for Progression Qualifications ..	8
Purposes	10
Assessment strategies	11
Assessment.....	13
Specified levels of attainment	14
Standard setting.....	16
Ofqual review of qualifications.....	17
Managing the withdrawal of approval for public funding.....	18
Equality impact assessment	19
Regulatory impact assessment	20
Annex A: Consultation responses and your data	23
Why we collect your personal data	23
Your data	23
Your rights: access, rectification and erasure	23
Freedom of Information Act and your response	24

Regulating level 2 and below Progression Qualifications

How we will use your response24

How long will we keep your personal data?25

Our legal basis for processing your personal data.....25

Foreword

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

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

In 2019, the Department for Education (DfE) set out its ambition for a streamlined post-16 qualification system at level 3 and below, where all qualifications are high quality, necessary, have a distinct purpose, and lead to good outcomes for students.

In October 2022, DfE published the [government's response to its consultation on the 'Review of post-16 qualifications at level 2 and below in England'](#). The response sets out DfE's intentions for the future qualifications landscape at level 2 and below (L2B) in England. It confirms the groups of qualifications that will be considered for public funding in the future grouped by level, purpose, and intended destination. The review of qualifications at level 2 and below will span several years, with DfE taking a phased approach to the first teaching of reformed qualifications from 2025 to 2027.

Ofqual launched 2 consultations earlier this year on its proposed regulatory approaches for the following qualifications:

- [Qualifications supporting progression to T Levels](#) (now referred to as **T Level Foundation Qualifications (Level 2)**)
- [Entry level, Level 1 and Level 2 qualifications supporting progression to higher levels of study](#) which included:
 - Level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme, (now referred to as **Level 2 Technical Progression Qualifications** by DfE)
 - Level 2 qualifications supporting progression to level 3 alternative academic qualifications, (now referred to as **Level 2 Academic Progression Qualifications** by DfE)
 - Level 1 pre-technical qualifications supporting progression to higher level technical qualifications, (now referred to as **Level 1 Progression Qualifications** by DfE)

- Entry level qualifications supporting progression to level 1 pre-technical qualifications, (now referred to as **Entry level Progression Qualifications** by DfE)

DfE has decided that these 5 groups of qualifications will collectively be called '**Progression Qualifications**'.

Ofqual published the policy decisions following these consultations ([T Level Foundation Qualifications](#) and [Other Progression Qualifications](#)) on Thursday 13 July 2023.

Ofqual is now consulting on the draft conditions, requirements and guidance to put these policy decisions into effect. The aim of this consultation is to provide an opportunity for interested groups to comment on the draft conditions, requirements and guidance for all 5 groups of Progression Qualifications set out above. The decision to consult on all 5 groups of Progression Qualifications together has been taken to allow respondents to respond to a single consultation, minimising the number of consultations that they are asked to engage with.

Ofqual will publish the final conditions, requirements and guidance later this year. This timescale will allow awarding organisations to develop qualifications, and give schools, colleges and other providers time to familiarise themselves with them, ahead of teaching the first reformed qualifications.

If you have an interest in Entry level, Level 1, and Level 2 Progression Qualifications, please let Ofqual know your thoughts on the proposals set out here by responding to this consultation.

Proposals at a glance

This consultation sets out Ofqual's draft conditions, requirements and guidance for regulating Entry level, Level 1 and Level 2 Progression Qualifications, including T Level Foundation Qualifications, in line with the policy proposals consulted on earlier this year.

The consultation seeks views on the draft conditions, requirements and guidance relating to:

- interpretation and definitions
- purposes
- assessment strategies
- assessment
- specified levels of attainment
- standard setting

- Ofqual reviews
- management of the withdrawal of approval for public funding

In these areas, Ofqual is seeking views on the specific wording of the draft conditions, requirements and guidance, rather than on the policy approach, which has already been consulted upon.

Audience

This consultation is open to anyone who may wish to make representation but may be of most interest to:

- awarding organisations and their representative bodies, particularly those that deliver (or want to deliver) L2B Progression Qualifications
- schools, colleges and training providers, and their representative bodies, particularly those that deliver (or want to deliver) L2B Progression Qualifications
- students
- employers

Consultation arrangements

Duration

This consultation will be open for 9 weeks starting on 13 July 2023 and ending on 14 September 2023 at 23:45.

Respond

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

- [online](#)
- email your response to consultations@ofqual.gov.uk – please include the consultation title in the subject line of the email and make clear who you are and in what capacity you are responding

For information on how we will use and manage your data, please see Annex A: Consultation responses and your data.

Introduction

[The Government has announced](#) its intention to review qualifications at level 2 and below (L2B) to ensure that all qualifications support good outcomes for students.

Within the new L2B qualifications landscape, the Department for Education (DfE) will fund the following 5 groups of Entry level, Level 1 and Level 2 Progression Qualifications.

T Level Foundation Qualifications (Level 2)

These qualifications are intended to support progression to any T Level within a T Level route. They are expected to be primarily delivered as part of a T Level Foundation Year (formerly T Level Transition Programme), alongside other components including English and maths (although adults could choose to take them outside of a T Level Foundation Year). The content for these qualifications will be based on the national content that DfE has developed for the T Level Foundation Year, called National Technical Outcomes (NTOs).

Level 2 Technical Progression Qualifications

These qualifications are intended to prepare students to progress on to level 3 technical qualifications that are not delivered as part of a T Level programme. Students taking these qualifications are likely to be either those who have not achieved the necessary level of attainment pre-16 to progress directly to level 3 study, or those who would benefit from extra development or support before taking a level 3 qualification. For 16 to 19 year olds, these qualifications would be taken as part of a one-year study programme.

Level 2 Academic Progression Qualifications

These qualifications are intended to support progression to higher levels of academic study. DfE expects these qualifications to only be made available in [specified sector subject areas aligned to the funded offer for level 3 alternative academic qualifications](#). The qualifications will need to offer a clear and coherent progression to one of the approved level 3 alternative academic qualifications. For 16 to 19 year olds, these qualifications would be taken as part of a one-year study programme.

Level 1 and Entry level Progression Qualifications

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

DfE expects these qualifications to be taken by a diverse cohort of students, a significant sub-set of which may be students with special educational needs and disabilities (SEND).

The policy consultation covering the proposed regulatory approach to the T Level Foundation Qualifications (Level 2) ran from 26 January to 6 April 2023 and the policy consultation on the other Entry level, Level 1 and Level 2 Progression Qualifications ran from 16 March to 25 May 2023.

Ofqual consulted on introducing a limited number of additional regulatory requirements to:

- meet the minister's intention to secure the quality of the qualifications and to support students to progress to higher levels of study
- enable Ofqual to provide feedback as part of the funding approval process and to regulate the qualifications effectively in delivery

Having published the decisions on the proposed regulatory approach for [T Level Foundation Qualifications](#) and [Other Progression Qualifications](#) alongside this consultation, Ofqual is now consulting on the detail of the specific rules and guidance needed to implement the agreed approach.

Alongside this consultation document, Ofqual is publishing a draft regulatory document that sets out proposed conditions, requirements and guidance for all 5 groups of Progression Qualifications.

Respondents are invited to consider the draft wording of the conditions, requirements and guidance for each area where they have been proposed.

Proposed conditions, requirements and guidance for Progression Qualifications

Ofqual proposes to put in place new conditions, requirements and guidance to enact the policy proposals on which it has previously consulted.

Ofqual has decided that the conditions, requirements and guidance for these 5 groups of Progression Qualifications will be published together in a specified document. Ofqual is, however, committed to reviewing all the regulatory frameworks resulting from the Post 16 Qualifications Review at the end of the reforms, with a view to rationalising where possible and appropriate.

Some of the conditions, requirements and guidance detailed below apply to all of the 5 groups of Progression Qualifications, while some will only apply to some of the groups of qualifications. The groups of qualifications to which a given condition, requirement or piece of guidance will apply are clearly labelled at the start of the relevant section.

Interpretations and definitions

This Condition applies to the following 5 groups of qualifications:

- T Level Foundation Qualifications (Level 2)
- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

Ofqual has identified those groups of qualifications that have identical conditions, requirements and guidance and adopted collective terms as follows:

- A 'Progression Qualification' is used to refer to all 5 groups of qualifications collectively
- A 'Progression Qualification (T Level Foundation)' is used to refer to a T Level Foundation Qualification (Level 2) only
- A 'Progression Qualification (Other)' is used to refer to Level 2 Technical Progression Qualifications, Level 2 Academic Progression Qualifications, Level 1 Progression Qualifications and Entry level Progression Qualifications collectively

A condition, requirement or piece of guidance will clearly state which groups of qualifications it applies to with reference to these collective terms above.

Proposal

To put in place Condition PQ1 covering interpretations and definitions:

- setting out how the Conditions should be interpreted as part of Ofqual's regulatory framework
- specifying the qualifications covered by these requirements
- defining the terms used in these Conditions

The draft Condition can be read in full in the [Progression Qualifications Qualification Level Conditions and requirements document](#).

Question 1

Do you have any comments on the drafting of proposed Condition PQ1 (interpretations and definitions)?

Purposes

This Condition, and the relevant requirements, applies to the following groups of qualifications:

- T Level Foundation Qualifications (Level 2)
- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

Ofqual will set the general purposes for each of the 5 groups of qualifications. Ofqual will also require awarding organisations to ensure that the specific purposes for each of their qualifications are in line with the general purposes, and to explain how their qualification will fulfil those purposes. 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.

While all of the general purposes should be met to the greatest extent possible, Ofqual will also require that the general purposes for these qualifications are prioritised according to the order in which they are set out in instances where design trade-offs are required.

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.

Proposal

To put in place Condition PQ7 that requires an awarding organisation to ensure that each qualification it makes available or proposes to make available:

- meets the general purposes published by Ofqual for the relevant group of qualifications on an ongoing basis
- has one or more specific purposes which are consistent with the general purposes for the relevant group of qualifications
- are prioritised in the order they are set out – during the design stage, if there are any trade-offs to be made between the general purposes, priority of compliance must be given to the general purposes higher up the hierarchy for the relevant group of qualifications, while ensuring secure compliance with all the purposes to the greatest extent possible

To specify the general purposes for each group of [Progression Qualifications](#).

To disapply General Conditions E1.1 and E1.2 (Qualifications having an objective and support) in respect of each group of qualifications as defined in Condition PQ7.

The draft Condition and general purposes can be read in full in the [Progression Qualifications Qualification Level Conditions and requirements document](#).

Question 2

Do you have any comments on the drafting of proposed Condition PQ7 (Progression Qualification purposes) for:

- T Level Foundation Qualifications (Level 2)
- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

Question 3

Do you have any comments on the drafting of the general purposes for:

- T Level Foundation Qualifications (Level 2)
- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

Assessment strategies

This Condition, and the relevant requirements, applies to the following groups of qualifications:

- T Level Foundation Qualifications (Level 2)
- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

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.

Proposal

To put in place Condition PQ2 that requires an awarding organisation to:

- establish and maintain an assessment strategy for each qualification that complies with any requirements and has regard to any guidance published by Ofqual
- set out how it will ensure compliance on an ongoing basis with all relevant Conditions of Recognition in respect of the assessments for a qualification
- ensure that all assessments are designed, set, delivered and marked in compliance with its assessment strategy
- keep its assessment strategy under review and revise it where necessary, including to comply with any requirements specified by Ofqual and promptly notify Ofqual of any revisions it makes to it
- if requested by Ofqual, review its assessment strategy to ensure that it complies with any requirements that Ofqual has communicated to it
- demonstrate to Ofqual's satisfaction, if requested, that it has complied with its assessment strategy for a particular assessment or provide an explanation to Ofqual as to why it has not complied
- ensure any recommendations that Ofqual has made have been actioned

To specify the associated assessment strategy requirements, which will cover the following aspects of the qualification:

- qualification purpose – the purpose of the qualifications, with reference to the general purposes set out in the Progression Qualifications Qualification Level Conditions and requirements document.
- content – the structure, qualification size, demand and optional content set out
- assessment design – the assessment structure, development, question and task validity, approach to content coverage, assessment methods, centre adaptation, controls, generating outcomes and optional assessment
- assessment delivery – modes of assessment delivery, assessment availability, security, centre feedback

- marking or assessing performance and standardisation – approach to marking or assessing performance, monitoring, assessor standardisation, Centre Assessment Standards Scrutiny, centre training and monitoring
- attainment and reporting – specified levels of attainment, aggregation, reviews or appeals
- standard setting and maintenance – approach, evidence, modes of assessment
- qualification monitoring – approach, availability of data, reviewing the assessment approach

The draft Condition and associated requirements can be read in full in the [Progression Qualifications Qualification Level Conditions and requirements document](#).

Question 4

Do you have any comments on the drafting of proposed Condition PQ2 (assessment strategies)?

Question 5

Do you have any comments on the drafting of the proposed requirements relating to assessment strategies?

Assessment

This Condition, and its associated requirements and Guidance, applies to the following group of qualifications:

- T Level Foundation Qualifications (Level 2)

For this group of qualifications, 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 centres 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 takes 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.

Proposal

To put in place Condition PQ4 that requires an awarding organisation to:

- comply with any requirements and have regard to any guidance published by Ofqual in relation to assessments which it makes available or proposes to make available

To put in place statutory guidance on assessments for T Level Foundation Qualifications (Level 2) which sets out the considerations awarding organisations should take into account when designing assessments for these qualifications.

The draft Condition can be read in full in the [Progression Qualifications Qualification Level Conditions and requirements document](#).

The draft Guidance can be read in full in the [Guidance on Assessments for T Level Foundation Qualifications \(Level 2\) document](#).

Question 6

Do you have any comments on the drafting of proposed Condition PQ4 (assessments)?

Question 7

Do you have any comments on the drafting of the proposed guidance relating to assessments?

Specified levels of attainment

This Condition applies to the following group of qualifications:

- T Level Foundation Qualifications (Level 2)
- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

The related requirements apply to the following group of qualifications:

- T Level Foundation Qualifications (Level 2)

The statutory guidance on Specified levels of attainment for Progression Qualifications applies to the following groups of qualifications:

- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

For T Level Foundation Qualifications (Level 2), Ofqual will require awarding organisations to use a common grading scale of the following grades: Pass, Merit and Distinction. This will help 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.

For other Entry level, Level 1 and Level 2 Progression Qualifications, Ofqual will not require the use of a common grading scale but will issue statutory guidance with respect to grading which awarding organisations will be expected to follow when developing their grading scales for each qualification. This will help to ensure that the grading scales used in these qualifications are set appropriately and help to promote consistency across awarding organisations and qualifications in the factors that are considered as part of this.

Proposal

To put in place Condition PQ5 that requires an awarding organisation to use a common grading scale for T Level Foundation Qualifications (Level 2) of the following grades: Pass, Merit and 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.

To put in place statutory guidance on grading scales for Level 2 Technical Progression Qualifications, Level 2 Academic Progression Qualifications, Level 1 Progression Qualifications, Entry level Progression Qualifications.

The guidance will cover:

- what an awarding organisation should consider when determining its overall approach to grading scales
- principles awarding organisations should consider when developing the grading scale for each qualification
- what awarding organisations should consider when developing the grading scale for each qualification

The draft Condition can be read in full in the [Progression Qualifications Qualification Level Conditions and requirements document](#).

The draft Guidance can be read in full in the [Guidance on Specified levels of attainment for Progression Qualifications](#).

Question 8

Do you have any comments on the drafting of the proposed Condition PQ5 (specified levels of attainment)?

Question 9

Do you have any comments on the drafting of the proposed requirements for T Level Foundation Qualifications (Level 2)?

Question 10

Do you have any comments on the drafting of the proposed guidance relating to specified levels of attainment for Level 2 Technical Progression Qualifications, Level 2 Academic Progression Qualifications, Level 1 Progression Qualifications, Entry level Progression Qualifications?

Standard setting

This Condition will apply to the following group of qualifications:

- T Level Foundation Qualifications (Level 2)

For each T Level Foundation Qualification (Level 2), 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.

Proposal

To put in place Condition PQ8 for T Level Foundation Qualifications (Level 2) that will require awarding organisations to:

- comply with any requirements, and have regard to any guidance on an ongoing basis in relation to the setting of specified levels of attainment and promoting consistency between the measurement of Learners' levels of attainment in that qualification and similar qualifications of other awarding organisations
- ensure that, where grading is separate from the marking process, awarding organisations consider a range of qualitative and quantitative evidence, which should include evidence of:
 - the level of demand of the assessments for that qualification
 - the level of attainment demonstrated in those assessments by an appropriately representative sample of Learners
 - where available, the level of attainment demonstrated by Learners taking that qualification in a prior assessment or prior qualification, whether or not that qualification was a regulated qualification
 - the level of attainment demonstrated by Learners who have previously been awarded the qualification
- keep records of the evidence used in setting the specified levels of attainment and the rationale for the selection and the significance it has attributed to that evidence

The draft Condition and associated requirements can be read in full in the [Progression Qualifications Qualification Level Conditions and requirements document](#).

Question 11

Do you have any comments on the drafting of proposed Condition PQ8 (standard setting)?

Question 12

Do you have any comments on the drafting of the proposed requirements relating to standard setting?

Ofqual review of qualifications

This Condition applies to the following groups of qualifications:

- T Level Foundation Qualifications (Level 2)

- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

Ofqual will require an awarding organisation, following a review by Ofqual, to comply with any requirements, and consider 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 any issues identified with qualifications as part of the approval process are addressed.

Proposal

To put in place Condition PQ3 that will require an awarding organisation to:

- comply with any requirements and consider any guidance specified by Ofqual following a review of the Progression Qualifications listed above

The draft Condition can be read in full in the [Progression Qualifications Qualification Level Conditions and requirements document](#).

Question 13

Do you have any comments on the drafting of proposed Condition PQ3 (Ofqual reviews of qualifications)?

Managing the withdrawal of approval for public funding

This Condition applies to the following groups of qualifications:

- T Level Foundation Qualifications (Level 2)
- Level 2 Technical Progression Qualifications
- Level 2 Academic Progression Qualifications
- Level 1 Progression Qualifications
- Entry level Progression Qualifications

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.

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 any additional requirements as appropriate. This will help to protect the interests of students who are in the process of taking the qualifications when approval for public funding is withdrawn.

Proposal

To put in place Condition PQ6 that:

- requires an awarding organisation to promptly notify Ofqual when a qualification will, or is likely to, no longer to be approved for public funding, and the circumstances for this
- permits Ofqual to determine whether and when the Qualification Level Conditions (QLCs) should cease to apply
- requires an awarding organisation to comply with any requirements communicated to it by Ofqual in relation to this

The draft Condition can be read in full in the [Progression Qualifications Qualification Level Conditions and requirements document](#).

Question 14

Do you have any comments on the drafting of proposed Condition PQ6 (withdrawal of approval for public funding)?

Equality impact assessment

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

In the policy consultations for these qualifications, Ofqual set out the possible equality impact on students who share a protected characteristic arising from the proposals.

Ofqual identified a positive equality impact arising from the proposals:

- to require awarding organisations to develop, maintain and keep under review an assessment strategy
- to require an awarding organisation, following a review by Ofqual, to comply with any requirements, and consider any guidance, specified to it by Ofqual in relation to the qualification

- For T Level Foundation Qualifications (Level 2), Ofqual has decided that awarding organisations must explain in their assessment strategy how they have designed and developed their qualifications against the NTOs

Ofqual did not identify any equality impacts on students who share protected characteristics, positive or negative, related to the other proposals.

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.

In the decisions documents ([T Level Foundation Qualifications](#) and [Other Progression Qualifications](#)) published alongside this consultation, Ofqual set out the impacts identified by respondents. Respondents did not identify any additional potential equality impacts as a result of the proposals, beyond those identified in the consultation.

As the proposed conditions, requirements and guidance set out in this consultation are intended to implement the policy approach on which Ofqual previously consulted, Ofqual has not identified any additional equality impacts.

Ofqual welcomes views on any further equality impacts not previously identified, and any suggestions for how these might be mitigated through the regulations.

Question 15

Are there any further equality impacts (positive or negative) on students arising from our regulatory approach for Progression Qualifications that Ofqual should consider? Where possible, please separate your answer by protected characteristic.

Question 16

Other than those identified above, are there any ways in which Ofqual could mitigate potential negative impacts on particular groups of students?

Regulatory impact assessment

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

Regulating level 2 and below Progression Qualifications

- 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 for T Level Foundation Qualifications 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
- 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.

In the decisions documents ([T Level Foundation Qualifications](#) and [Other Progression Qualifications](#)) published alongside this consultation, Ofqual set out the impacts identified by respondents. Respondents did not identify any additional potential equality impacts as a result of the proposals, beyond those identified in the consultation.

While Ofqual has tried to minimise the extent of any additional burden as far as is possible, any new regulatory requirements will inevitably have a regulatory impact.

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 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.

As the conditions, requirements and guidance covered by this consultation are largely implementing the policy approach upon which Ofqual previously consulted, Ofqual has not identified any additional regulatory impacts arising from the regulations. Nor has Ofqual identified any impact in the proposed regulations that would prevent innovation by awarding organisations in the design and delivery of these qualifications.

Ofqual welcomes views on any further regulatory impacts not previously identified, and any suggestions for how these might be mitigated through the regulations.

Question 17

Are there any additional regulatory impacts arising from the proposed regulatory approach to Progression Qualifications? If yes, what are the impacts and are there any additional steps that could be taken to minimise the regulatory impact?

Question 18

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

Question 19

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

Question 20

Do you have any comments on the impact of the proposals on innovation by awarding organisations?

Annex A: Consultation responses and your data

Why we collect your personal data

As part of our consultation process, you are not required to provide your name or any personal information that will identify you. However, we are aware that some respondents would like to provide contact information. If you or your organisation are happy to provide personal data, with regard to this consultation, please complete the details below. We would like to hear as many views as possible and ensure that we are reaching as many people as possible. In order for us to monitor this, understand views of different groups and take steps to reach specific groups, we may ask for sensitive data such as ethnicity and disability to understand the reach of this consultation and views of specific groups. You do not have to provide this information and it is entirely optional.

If there is any part of your response that you wish to remain confidential, please indicate at the appropriate point in the survey.

Where you have requested that your response or any part remains confidential, we will not include your details in any published list of respondents, however, we may quote from the response anonymously to illustrate the kind of feedback we have received.

Your data

Your personal data:

- will not be sent outside of the UK unless there are appropriate safeguards in place to protect your personal data
- will not be used for any automated decision making
- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights: access, rectification and erasure

As a data subject, you have the legal right to:

- access personal data relating to you

- object to the processing of your personal data
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details below. You can also find out [more about Ofqual's privacy information](#).

Freedom of Information Act and your response

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients including members of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response and assess this in accordance with applicable data protection rules.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'no' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public but will not make your personal name and private contact details publicly available.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response. We will analyse all responses and produce reports of consultation responses. In the course of analysis, we will where possible avoid using your name and contact details. We will only process the body of your response, but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships & Technical Education (IFATE) where the consultation is part of work involving those organisations. We may need to share

responses with them to ensure that our approach aligns with the wider process. Where possible, if we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFATE with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Where we share data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected.

We use Citizen Space, which is part of Delib Limited, to collect consultation responses and they act as our data processor. You can view [Citizen Space's privacy notice](#).

Your response will also be shared internally within Ofqual in order to analyse the responses and shape our policies and regulatory activity. We use third party software to produce analysis reports, which may require hosting of data outside the UK, specifically the US. Please note that limited personal information is shared. All personal contact information is removed during this process. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

Following the end of the consultation, we will publish an analysis of responses on [our website](#). We will not include personal details in the responses that we publish.

We may also publish an annex to the analysis listing all organisations that responded but will not include personal names or other contact details.

How long will we keep your personal data?

Unless otherwise stated, Ofqual will keep your personal data (if provided) for a period of 2 years after the consultation closing date.

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we are relying upon the public task basis as set out in Article 6(1)(e) of UK GDPR to process personal data which allows processing of personal data when this is necessary for the performance of our public tasks. We will consult where there is a statutory duty to consult or where there is a legitimate expectation that a process of consultation will take place. Where you provide special category data, we process sensitive personal data such as ethnicity and disability, we rely on Article 9(2)(g) of UK GDPR as processing is necessary for reasons of substantial public interest.

The identity of the data controller and contact details of our Data Protection Officer

This privacy notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR¹ and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this privacy notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this privacy notice, how we handle your personal data, or want to exercise any of your rights, please contact our data protection officer at dp.requests@ofqual.gov.uk

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with [the Information Commissioner](#) (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at:

ICO,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Tel: 0303 123 1113

¹ Please note that as of 1st January 2021, data protection laws in the UK have changed. The General Data Protection Regulation (EU) 2016/679(GDPR) no longer applies to the UK. However, the UK has incorporated GDPR into domestic law subject to minor technical changes. The Data Protection, Privacy and Electronic Communications (Amendment etc.) EU exit Regulations (DPPEC) came into force in the UK on 1st January 2021. This consolidates and amends the GDPR and UK Data Protection Act 2018 to create the new UK GDPR.



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