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The logo for Ofqual, featuring the word "ofqual" in a bold, lowercase, sans-serif font. The letters "o" and "a" are grey, while "f", "q", "u", and "l" are a darker grey. Below the letters "o" and "a" are two horizontal green bars of equal length.

Consultation outcome

# Updating Qualification Level Conditions for T Level Technical Qualifications

Updated 10 August 2023

## Applies to England

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## Proposals at a glance

The Department for Education (DfE) is changing its policy for how students can take the Core Exams and Core Project which are part of the Technical Qualification in a T Level. Instead of having to take both together the first time they take them, from September 2023, students will be able to take each separately. This means, for example, that instead of having to take the Core Exam and Core Project in a single series, as they do currently, a student could choose to take the Core Exam in the summer series of one year, and the Core Project in the autumn of a different year. This change is to offer more flexibility for providers delivering Technical Qualifications and to students taking them.

To allow this, Ofqual needs to update its assessment requirements relating to the timing of assessments which are set out in its [Qualification Level Conditions for Technical Qualifications](#). The proposed changes will:

- remove the requirement for students' first attempt at the Core Exam and Core Project to be in the same assessment series

- amend the requirements specifying which assessments an awarding organisation must permit to be taken in different assessment series to one another
- as a consequence, amend the minimum required number of assessment series for the Core Assessments, to reflect that the revised policy will require 2 opportunities to take the Core Assessments in each academic year
- update the section on retakes to reflect that the position for retakes and first entries, which currently differs, will in future be the same

These changes are described in part 1.

There are also some other minor changes, not related to the revised policy for the Core Assessments, which are needed to keep the Qualification Level Conditions up to date. These are changes such as updating references to the Institute for Apprenticeships (IfA), which is now known as the Institute for Apprenticeships and Technical Education (IfATE), and amending references to specific General Conditions which have been renumbered since the Qualification Level Conditions for Technical Qualifications were published.

These changes are described in part 2.

## **Audience**

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

- awarding organisations, particularly those that deliver Technical Qualifications within T Levels
- schools, colleges and training providers, and their representative bodies – particularly those that deliver (or want to deliver) T Levels
- students who take T Levels

## **Consultation arrangements**

### **Duration**

This consultation will be open for 8 weeks starting on 20 March 2023 at 09:30 and ending on 15 May 2023 at 23:45.

## Respond

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

- complete [the online response form](#)
- email your response to [consultations@ofqual.gov.uk](mailto: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

## T Levels

T Levels are level 3 technical study programmes for 16 to 19-year-olds in England, studied mainly in education or training providers. They are designed primarily to support entry to skilled employment and provide an opportunity for students to apply their knowledge and skills through a work placement. They consist of:

- a Technical Qualification (TQ) where students learn about their chosen sector
- an industry placement to give students practical insights into their sector
- any other occupation-specific requirements or qualifications

They are equivalent in size to 3 A levels and are typically completed over 2 years. Each T Level is offered by a single awarding organisation.

The first T Levels were introduced in 2020, with additional T Levels added each year. They are available in occupational areas such as construction, digital, education and early years, and finance. A full list is available on the [Institute for Apprenticeships and Technical Education \(IfATE\)'s website](#).

## Technical Qualifications

A key part of the T Level is the Technical Qualification (TQ). This is a qualification

designed against the same employer-led occupational standards used in apprenticeships. The purpose of the TQ is to ensure students have the knowledge, skills and behaviours needed to progress into skilled employment or higher-level technical training relevant to the T Level. The TQ is made up of:

- Core Exam – one or more assessments of core knowledge and understanding, set and marked by the awarding organisation
- Core Project (also referred to as the employer-set project) – a project based on a brief set by the awarding organisation, working with relevant employers, assessing core skills
- Occupational Specialism – a substantial assessment relating to a particular occupational area, allowing students to draw together knowledge, skills and behaviours. Students take one or more Occupational Specialisms depending on the TQ

Students receive a combined A\* to E grade for the Core Exam and Core project, and a pass, merit or distinction grade for each Occupational Specialism. There is no overall TQ grade, although there is an overall grade for the T Level for students who complete all of its parts.

Awarding organisations are currently permitted by Ofqual to offer TQ assessments up to twice each academic year. In practice, all current TQs have 2 assessment series for the Core Exam and Core Project, and one for the Occupational Specialisms. The first time they take the Core Exam and Core Project, students must attempt both together (for example in a single summer series). Students retaking one or both parts of the Core can do so separately (for example one in a summer series and one in an autumn series). Students can also take the Occupational Specialisms in a different series to that in which they take the Core Exam and Core Project. For all parts of the TQ, students must take all assessments for that part in the same series (for example, they must take all Core Exams where there is more than one).

## Regulating Technical Qualifications

Each T Level is delivered by a single awarding organisation, through a contract between it and IfATE. Ofqual regulates the TQ within the T Level. DfE issues T Level certificates and is responsible for overall T Level policy.

Each awarding organisation offering a TQ must be recognised by Ofqual. Ofqual regulates TQs by setting rules, through both the [General Conditions](#) (which apply to

all qualifications and awarding organisations (Ofqual regulates), and some [qualification-specific rules](#) that apply only to TQs.

These Qualification Level Conditions for TQs were put in place following [consultation in 2018](#) and were designed to ensure that:

- Ofqual can regulate effectively and meet its objectives in those areas for which Ofqual is responsible
- Ofqual's regulatory framework is compatible with the contractual arrangements that exist between IfATE and the awarding organisation, and with DfE policy

The changes proposed in this consultation have come about due to DfE revising its policy. The consultation is about the changes to Ofqual's Qualification Level Conditions for TQs needed to allow that revised policy to be implemented.

## **DfE changes to TQs in T Levels**

Following feedback from providers, ministers have decided to change the way in which the Core Exams and Core Project can be taken when students take them for the first time. In future, students' first attempt at both will no longer need to be in the same assessment series (which is already the case for students who retake assessments).

This will offer more flexibility for education and training providers and for students, as providers will be able to tailor the sequencing of assessments to their course, and reduce the assessment burden on students. It will mean students could, as now, enter the Core Exam and Core Project together. Alternatively, they could take the Core Exams and Core Project separately. Students will still need to take all the assessments for the part they take in the same series (for example all Core Exams in the same summer series where there is more than one exam). Awarding organisations will need to make sure their approach to the availability of assessments allows students to be entered in this way.

These arrangements already apply to students who are retaking assessments, and this will continue to be the case. As now, results from the Core Exam and Core Project will be aggregated into an overall Core component grade.

DfE intends for these new arrangements to be in place from September 2023. The changes relating to this policy are set out in part 1.

# Other updates to the qualification level Conditions for TQs

In addition to the changes set out above, Ofqual needs to make some other minor changes to its Qualification Level Conditions for TQs. These are to bring the Conditions up to date, but will not change what awarding organisations are required to do. Examples of these changes are to reflect the change in name from the Institute for Apprenticeships (IfA) to the Institute for Apprenticeships and Technical Education (IfATE) and to update places where General Condition numbers which are referred to have changed.

In order that multiple updates are not needed to the Qualification Level Conditions, Ofqual proposes to make these amendments at the same time as the changes affecting the Core Exam and Core Project.

These updates are set out in part 2.

## Part 1 – Allowing students to be entered for the Core Exam and Core Project in separate assessment series

This part of the consultation sets out the proposed changes to Ofqual's regulatory framework to allow students to be entered separately for the Core Exam and Core Project at their first attempt.

It includes the wording of the proposed amendments to the Conditions, requirements and guidance.

### Background

Condition TQ6.1 (Assessment) of Ofqual's [Qualification Level Conditions for Technical Qualifications](#) requires an awarding organisation to comply with any requirements, and have regard to any guidance published by Ofqual, in relation to its assessment of a TQ.

Under this Condition, Ofqual has set requirements relating to the timing of

assessments. These reflect [intentions set by DfE](#) when T Levels were first developed.

Ofqual's current assessment requirements set out:

### **Timing of assessments**

In respect of a Technical Qualification which it makes available, an awarding organisation must provide at least one, but not more than two, assessment series in each academic year in respect of each of –

- (a) the Core Assessments, and
- (b) the assessments for the Occupational Specialisms.

The Core Assessments and the assessments for the Occupational Specialisms may be, but are not required to be, held in the same assessment series.

This means that an awarding organisation could choose, for example, to provide a single assessment series each year encompassing both the Core Assessments and the assessments for the Occupational Specialisms.

Alternatively, it could choose to have two assessment series each year for each of the Core Assessments and the assessments for the Occupational Specialisms (so a total of four series).

An awarding organisation must ensure that –

- (a) each Learner takes all of the Core Assessments in a single assessment series,
- (b) each Learner takes all of the assessments for each individual Occupational Specialism in a single assessment series, and
- (c) a Learner may take the Core Assessments and the assessments for an Occupational Specialism in different assessment series (including assessment series in different academic years). An awarding organisation must set out its approach to the scheduling of assessments in its assessment strategy.

These requirements apply only to students being entered for assessments for the



first time. If students retake the Core Exam and/or Core Project, they don't have to retake these together. They can choose to retake only the Core Exam, only the Core Project, or can retake both. They must though take all assessments for the part they retake together (for example all Core Exam assessments where there is more than one). Ofqual's requirements in relation to retakes state:

However, where a Learner retakes both the Core Examination and the Core Project, he or she does not need to retake both sets of assessments in the same assessment series.

## Proposal

To reflect DfE's revised policy, Ofqual proposes to amend its Qualification Level Conditions for TQs.

The proposed changes will reflect the amended policy that students will no longer have to take the Core Exam and Core Project together the first time they attempt them (although could still choose to do so). It will mean the arrangements for first attempts and retakes will be the same. Students will still have to take all assessments for the part they are taking together (for example all Core Exams where there is more than one).

The proposed amendments will require awarding organisations to provide an opportunity for students to be entered for the Core Exam and Core Project separately, as well as continuing to allow them to be taken together.

An effect of this will be that an awarding organisation will have to offer the Core Assessments twice in each academic year, in order that students can be entered in this way. Currently awarding organisations are required to make the Core Assessments available a minimum of once and a maximum of twice in each academic year. While the current requirements allow for Core Assessments to be available only once in an academic year, all TQs being delivered offer the Core Assessments twice each academic year. This change does not therefore change what already happens, as all awarding organisations already offer 2 series of the Core Assessments. The change will mean though that awarding organisations will be required to accept first attempts from students for either the Core Exam assessments on their own, the Core Project assessments on their own, or both, in

any assessment series in which they are offered, which they are not able to do currently for first attempts (but can do for retakes).

This change will not affect the way the Core is graded. Students will still receive a single A\* to E grade reflecting their performance across both the Core Exam and Core Project.

Ofqual proposes to replace the existing wording in the assessment requirements relating to timing of assessments with the following:

### **Timing of assessments**

In respect of a Technical Qualification which it makes available, an awarding organisation must provide –

- (a) two assessment series in each academic year in respect of the Core Assessments,
- (b) at least one but not more than two assessment series in each academic year in respect of the assessments for the Occupational Specialism(s).

An awarding organisation must ensure that –

- (a) in each assessment series in respect of Core Assessments, both the Core Project and Core Examination are made available,
- (b) each Learner takes all of the assessments for the Core Examination in a single assessment series,
- (c) each Learner takes all of the assessments for the Core Project in a single assessment series,
- (d) each Learner takes all of the assessments for each individual Occupational Specialism in a single assessment series,
- (e) a Learner may take the Core Project and the Core Examination in different assessment series (including assessment series in different academic years), and
- (f) a Learner may take the Core Assessments and the assessments for an Occupational Specialism in different assessment series (including assessment series in different academic years).

An awarding organisation must set out its approach to the availability of assessments in its assessment strategy.

Allowing students to be entered for the Core Exam and Core Project separately means, in future, the same arrangements will exist for both retakes and first attempts. Ofqual proposes to replace the existing wording in the assessment requirements relating to retakes with the following:

## **Retakes**

Subject to the requirements below, a Learner may take an assessment for the qualification again in any assessment series in which that assessment is delivered.

An awarding organisation must ensure that a Learner may retake –

- (a) the Core Examination,
- (b) the Core Project,
- (c) the assessments for an Occupational Specialism, or
- (d) any combination of these.

For clarity, where a Learner retakes the Core Examination he or she should not be required to retake the Core Project, and vice versa.

An awarding organisation must ensure that a Learner retakes all of the assessments for the Core Examination, the Core Project or an Occupational Specialism, as relevant.

An awarding organisation must also ensure that a Learner retakes all of the assessments within the Core Examination, the Core Project or an Occupational Specialism in a single assessment series.

So, for example, if the awarding organisation uses two assessments for the Core Examination, a Learner must retake both of those assessments in a single assessment series.

However, where a Learner retakes more than one of the Core Examination, the Core Project or an Occupational Specialism, an awarding organisation may allow a Learner to take each set of relevant assessments in a different assessment series. So, for example, where a Learner retakes both the Core Examination and the Core Project, an awarding organisation may allow him or her to take the assessments for the former in one assessment series and the assessments for the latter in a different series.

An awarding organisation must set out its approach to retakes in its assessment strategy.

## Question 1

Do you have any comments on the wording of the proposed amendments to the assessment requirements set out?

Ofqual has considered whether making these changes to its Qualification Level Conditions could present any risks which might negatively affect students taking TQs.

The existing requirement for first attempts of Core Exam and Core Project assessments to be taken together reflected the DfE policy that awarding organisations should not break the Core into smaller separately assessed and graded units or sub-components. Ofqual's requirements were developed to be compatible with this policy, and to take account of Ofqual's objectives in relation to maintaining standards.

Having results for both parts of the Core available at the same time was intended to help support the maintenance of standards, given the way those for the Core are set and maintained. The arrangements were different for resits, meaning students who only wanted to retake one part of the Core (for example, if they were happy with the outcome for the other part) could do so without having to retake both of them.

Given the way that standards are currently set and maintained in the Core (due to the number of students and the type of evidence available), Ofqual's view is that the proposed changes do not materially increase any current risks in relation to the maintenance of standards. In the future, if other evidence to support the setting and maintenance of standards becomes available (such as stronger statistical evidence), then such risks may slightly increase. However, it is not anticipated that such evidence will be available in the short to medium-term, and even longer-term, this slight increase in risk may be considered tolerable when balanced against greater flexibility for education and training providers and students. Further, it should be considered that students can already retake parts of the Core in separate assessment series, and some choose to do so.

## Question 2

Are there any impacts caused by the changes proposed to Ofqual's Qualification Level Conditions, which have not been identified? Please explain what these are and how any negative impacts might be mitigated?

# Part 2 – Other updates to the Qualification Level Conditions, requirements and guidance for Technical Qualifications within T Levels

This part sets out some additional changes proposed to the Qualification Level Conditions for TQs. These are needed to keep the Conditions up to date. They do not change what awarding organisations are required to do.

## Proposals

### Guidance to General Condition H6 – Issuing results

Ofqual's Qualification Level guidance against General Condition H6 (Issuing results) sets out:

Where Learners are assessed in England, we expect an awarding organisation to issue results to the Institute for Apprenticeships or the Education and Skills Funding Agency, as relevant, which will then issue the Learner with a T Level certificate, or Statement of Achievement, where appropriate, on behalf of the Secretary of State.

The role of the Education and Skills Funding Agency (ESFA) within the certification

process is now performed by DfE, therefore Ofqual will amend this reference.

## **References to the Institute for Apprenticeships**

Since the Qualification Level Conditions were published, the Institute for Apprenticeships (IfA) has become the Institute for Apprenticeships and Technical Education (IfATE). Ofqual will update the relevant defined term at TQ23.4 and any references throughout the Qualification Level Conditions to reflect this change.

## **Assessment strategy requirements**

In the assessment strategy requirements specified under Condition TQ3, section 3 includes the following:

### **Centre monitoring arrangements**

- approach to monitoring Centres in relation to the delivery of assessments for the Core Project and Occupational Specialisms, including how this will ensure assessments remain fit for purpose on delivery. Moderation of Centre-marked assessments
- approach to Moderation of Centre-marking, where relevant, including demonstration that it has had regard to Ofqual's guidance on Moderation, rationale for sample sizes, tolerances, and when a Centre's rank order will be questioned.

The text "Moderation of Centre-marked assessments" which appears at the end of the first bullet point should be a heading which appears above the second bullet. Ofqual will update this accordingly.

## **References to Condition H2 – Centre Assessment Standards Scrutiny where an assessment is marked by a Centre**

Qualification Level Condition TQ10 (Moderation arrangements) and the associated guidance refer to General Condition H2.1. This General Condition has been updated and the Condition number has changed since the TQ Qualification Level Conditions and guidance were published. This means the Qualification Level Conditions now contain an incorrect reference to General Condition H2.

Ofqual will update this reference to refer to the correct part of the General Condition.

## Guidance on the general conduct of reviews and appeals

This Qualification Level guidance includes a reference to General Condition A4.1(b) and (c), relating to Conflicts of Interest. [General Condition A4 has been amended](#) since the Qualification Level Conditions were published, meaning the Condition now contains an incorrect reference to Condition A4.

Ofqual will update this reference to refer to the correct part of the General Condition.

## Condition TQ23 – Interpretations and definitions

Ofqual will update the definition of a Technical Qualification to amend the reference to the Apprenticeships, Skills, Children and Learning Act 2009, to reflect the revised section under which IfATE approves T Level Technical Qualifications. The revised definition of a Technical Qualification covered by these Qualification Level Conditions will be:

### Technical Qualification

A qualification approved by the Institute for Apprenticeships and Technical Education under section A2D3 of the Act.

### Question 3

Do you have any comments on the changes proposed to ensure the Qualification Level Conditions for Technical Qualifications remain up to date?

## Equality impact assessment

Ofqual is a public body, and therefore the public sector equality duty in the Equality Act 2010 applies. Within this consultation, the impacts on students (positive and negative) have been considered in relation to the proposals, including for those students who share a particular protected characteristic [\[footnote 1\]](#) and reasons such as their socio-economic background.

Ofqual has not identified any negative equality impacts as a result of these proposals. Allowing students to attempt the Core Exam and Core Project separately the first time they take them may have a positive impact on some students, for example those with anxiety, as it will be possible for assessments to be spread out throughout the course. This may reduce the pressure some students might experience when having to take multiple assessments during a single assessment series. It may also have a positive impact on students where an assessment series coincides with religious festivals, by allowing greater flexibility to take assessments at alternative times.

#### **Question 4**

Are there other potential equality impacts that have not been identified? If yes, what are they?

#### **Question 5**

Do you have any suggestions for how any potential negative impacts on particular groups of students could be mitigated?

## **Regulatory impact assessment**

The updates proposed to the Qualification Level Conditions do not change what is required of awarding organisations.

Ofqual has considered whether specifying a requirement for 2 assessment series each academic year in respect of the Core Assessments would pose an additional burden, given the existing requirement requires a minimum of one and a maximum of 2 assessment series. While this would appear to be an increase, in practice, all TQs offer the Core Assessments twice in each academic year. It would also not be possible for an awarding organisation to deliver assessments in a way that reflects DfE policy if it were to offer only one assessment series for the Core Assessments in an academic year. Ofqual does not therefore consider this change to introduce



any additional burden, as it is a reflection of what already happens in TQs.

There may be an impact given the need for awarding organisations to make process and system changes to allow the Core Exam and Core Project to be taken separately. Awarding organisations will also need to update specifications and other materials to reflect this change. These impacts are relatively limited and arise as a result of the revised DfE policy, not the changes to Ofqual's Qualification Level Conditions.

Beyond this, the impact will be limited to the extent to which awarding organisations need to read and familiarise themselves with these updates.

Ofqual has not identified any other regulatory impacts associated with the proposals.

### **Question 6**

Are there any regulatory impacts that have not been identified arising from the proposals? If yes, what are they?

### **Question 7**

Are there any additional steps that could be taken to reduce the costs or burdens of the proposals?

### **Question 8**

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

Ofqual has a duty under the Apprenticeships, Skills, Children and Learning Act 2009 to have regard to the desirability of facilitating innovation relating to the provision of regulated qualifications. Ofqual has committed to surveying awarding organisations'

views of the impact of its regulatory requirements on innovation and to consider any revisions required in response.

Ofqual has not identified any impacts on innovation as a result of these proposals. Ofqual would, however, welcome views on whether there is anything in the proposals that would prevent innovation by awarding organisations.

## Question 9

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

# Annex A: Consultation responses and your data

## Why we collect your personal data

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

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

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

have received.

## Your data

Your personal data:

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

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

## Your rights: access, rectification and erasure

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

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

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

## Freedom of Information Act and your response

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients including members of the public in

certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response and assess this in accordance with applicable data protection rules.

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

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

## **How we will use your response**

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

### **Sharing your response**

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships & Technical Education (IfATE) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. Where possible, if we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IfATE with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

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

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

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

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

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

## **How long will we keep your personal data?**

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

## **Our legal basis for processing your personal data**

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

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

This privacy notice is provided by The Office of Qualifications and Examinations

Regulation (Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR [\[footnote 2\]](#) 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](mailto: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

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1. The protected characteristics under the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. [↵](#)
  2. 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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