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Open consultation

Regulatory framework for apprenticeship assessment

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Applies to England

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Foreword

Ofqual is the independent regulator for qualifications in England. Ofqual's statutory objectives include securing the standards of, and promoting public confidence in, regulated qualifications. Our role is to steward the qualifications system, taking a

whole system, long-term, proactive approach to protect the value of qualifications for students and apprentices and to support economic growth.

Ofqual's rules, which awarding organisations (AOs) must follow, are designed to achieve this. Ofqual monitors the application of these rules, supporting compliance and taking regulatory action where necessary.

Ofqual currently regulates the assessment of more than 580 apprenticeship occupational standards, set by Skills England, including through specific rules in relation to end-point assessments (EPAs).

In February 2025, the Department for Education (DfE) published its [Apprenticeship Assessment Principles](#). These principles set out a range of changes to the current EPA approach to assessment. They will apply to all apprenticeships, at all levels, and will apply to foundation apprenticeships as well as to specialised apprenticeships.

Through its principles, DfE intends to streamline the assessment process for apprenticeships by enabling more design and delivery flexibility, so that:

- assessment is more proportionate to the competency being tested and duplication is removed
- assessment can happen on programme
- training providers can deliver and mark elements of the assessment, with appropriate oversight

To reflect these changes, the existing assessment plans on which all EPAs are based will be streamlined, on a phased basis, by Skills England. Employers' views on assessing the competence of apprentices will continue to be important, but much of the detail included in the existing assessment plans will be removed, with AOs given more flexibility when designing and delivering assessments that meet the employer-set occupational standard.

The implementation of DfE's principles in the new simplified arrangements represents a significant change from the current EPA assessment approach, where all assessment happens at the end of the apprenticeship after a gateway process and is independently marked by the AO. In achieving greater design and delivery flexibility for AOs, it is likely that the new arrangements will lead to greater diversity of approach between AOs. Our priority is to ensure that Ofqual's regulation reflects DfE's policy while also mitigating risks as far as is reasonably possible and so maintains public and employer confidence in the results achieved by apprentices under the new arrangements.

The overall aims of our new rules for apprenticeship assessment are therefore to:

- embed [DfE's Apprenticeship Assessment Principles](#) in Ofqual's regulation
- secure AOs' compliance with the new streamlined apprenticeship assessment plans
- specify key requirements for the design of apprenticeship assessment to ensure their validity
- enable Ofqual to hold AOs to account for the design and delivery decisions they have made

This consultation is an opportunity for interested groups to comment on the way Ofqual proposes to regulate the new apprenticeship assessments. It is not a consultation on DfE's principles, as their introduction is not a decision for Ofqual. It is a consultation on how we will reflect DfE's principles in our regulatory framework, in line with our statutory objectives.

Subject to the outcome of this consultation, Ofqual will consult later in 2025 on the detail of the rules and guidance that will put our proposals into effect.

If you have an interest in apprenticeship assessment, please let Ofqual know your thoughts on the proposals set out here by responding to the consultation.

Proposals at a glance

The term “apprenticeship assessment” is used throughout this consultation to describe the new approach to the assessment of apprenticeship occupational standards, based on [DfE's Apprenticeship Assessment Principles](#) and Skills England's new streamlined apprenticeship assessment plans. This includes all apprenticeship assessments regulated by Ofqual, including foundation apprenticeship assessments.

Ofqual proposes to introduce new rules for apprenticeship assessment, covering the following areas:

Purposes

1. To require awarding organisations to design apprenticeship assessments that are in line with nationally set general purposes which will be included in Ofqual's regulatory framework.
2. To require awarding organisations to explain how they have designed apprenticeship assessments that reflect the nationally set general purposes and justify any trade-offs they have made between these purposes.
3. To require awarding organisations to develop specific purposes for individual apprenticeship assessments in line with the proposed general purposes.

The purposes will help to bring clarity about expectations of what apprenticeship assessments must deliver for apprentices. They will provide the foundations for the approach to assessment developed by AOs.

Content

1. To require awarding organisations to explain how their apprenticeship assessment covers the knowledge and skills set out in the relevant occupational standard published by Skills England.
2. To require awarding organisations to design apprenticeship assessments that:
 - cover the assessment outcomes set out in the apprenticeship assessment plans published by Skills England
 - comply with any requirements regarding coverage of content and assessment outcomes set out in the apprenticeship assessment plans published by Skills England

This is to ensure that apprenticeship assessments – both overall and in terms of their individual components – are appropriately designed and developed against the relevant knowledge and skills, ensuring that apprentices achieve the outcomes required for competence in line with the requirements of the occupational standard.

Assessment structure and synoptic assessment

1. To require awarding organisations to comply with any requirements on when

assessment should take place, as set out in an apprenticeship assessment plan published by Skills England.

2. To require awarding organisations to include synoptic assessment in their assessment design.
3. To require awarding organisations to have regard to Ofqual guidance on synoptic assessment when designing their apprenticeship assessments.

This is to ensure that apprentices can demonstrate their competence and their readiness for the workplace in line with the requirements of the occupational standard.

Setting assessments

1. To require awarding organisations to set all assessments.

This is to ensure that all assessments are valid and have the scope to provide reliable evidence of apprentice achievement.

2. To permit awarding organisations to allow centres to adapt assessments, within certain parameters.

This is to support the manageability of assessment.

Marking assessments

1. To require awarding organisations to mark some of the assessment.
2. To permit awarding organisations to allow centres to mark some of the assessments with appropriate oversight.
3. To require awarding organisations to have regard to Ofqual guidance on marking approach.
4. To require awarding organisations to have regard to any requirements on marking specified in an apprenticeship assessment plan published by Skills England.
5. To require awarding organisations to have regard to guidance published by Ofqual

for Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a centre) and Condition H2 (arrangements with Centres).

This is to secure the reliability and accuracy of marking while providing flexibility for AOs to permit marking by centres (for instance, by a college or training provider) with appropriate oversight.

Assessment design

1. To require awarding organisations to have regard to guidance published by Ofqual in relation to assessment, which will include consideration of content, structure, use of synoptic assessment, timing of assessment and approach to marking.

This guidance will set out the factors that AOs should consider when making design decisions to ensure the validity of apprenticeship assessments.

2. To require awarding organisations to comply with any requirements related to assessment design included in an apprenticeship assessment plan.

This is to support comparability between AOs for a given occupational standard.

Grading and standard setting

1. To require awarding organisations to comply with the grading scale and description of the characteristics of a pass grade (and any other) included in an apprenticeship assessment plan published by Skills England.

This is to provide clarity about what an apprenticeship grade signals and to support comparability between AOs for a given occupational standard.

2. To require awarding organisations to have regard to guidance specified by Ofqual on the development of knowledge tests and directly graded assessments.

This is to support AOs to develop assessments that have a consistent and, in the case of directly graded assessments, clearly articulated level of demand.

Assessment strategies

1. To require awarding organisations to establish, maintain and keep under review an assessment strategy for each apprenticeship assessment they make available.

This will help Ofqual to hold AOs to account for the assessment design and delivery decisions they make.

Employer engagement

1. To require awarding organisations to have regard to Ofqual guidance on how employers should be engaged with when designing and reviewing their apprenticeship assessments.

This is to ensure the assessment design decisions made by awarding organisations have the support of employers.

Disapplication of general conditions

1. To disapply Conditions E7 (Total Qualification Time), E8 (Credit), I3 (The design and content of certificates) and I4 (Issuing certificates and replacement certificates).

This is to ensure that Ofqual does not duplicate through its regulation any provisions set out in an apprenticeship assessment plan or managed by DfE.

Transition arrangements

1. To require awarding organisations to comply with Ofqual's transition arrangements.

This is to provide clarity on when the existing approach to regulating EPA ceases to apply to an occupational standard.

Recognition

To reduce burden and bring apprenticeship assessment recognition more in line with other parts of the regulated market, Ofqual has also decided to introduce a new approach to recognition for apprenticeship assessments.

Audience

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

- apprentices, students and their representative bodies
- employers and their representative bodies
- parents and guardians
- awarding organisations and their representative bodies
- schools, colleges, training providers and their representative bodies

Consultation arrangements

Duration

This consultation will open on 20 June 2025 and end on 27 August 2025 at 11:59pm.

Respond

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

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

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

Introduction

Background

Changes to end-point assessments

In England, all apprentices are currently assessed through end-point assessment (EPA). All assessments must be taken at the end of the apprenticeship programme, after an apprentice has been confirmed as ready by their employer and training provider (a process known as ‘gateway’) and must be marked by the AO delivering the assessment.

The design elements of EPA are currently set out in detail in assessment plans for each occupational standard, published by Skills England. These include the assessment methods; coverage of the required knowledge, skills and behaviours in each assessment method; assessment conditions and assessment time; the approach to marking and grading; and resit and resubmission policies. AOs offering EPA must comply with the assessment plan for a given occupational standard. Ofqual secures this through regulation.

In February 2025, DfE published its [Apprenticeship Assessment Principles](#) which aim to streamline the assessment process by enabling more design and delivery flexibility.

In summary, DfE’s assessment principles:

- permit on-programme assessment to take place (that is, not all assessment must take place at the end of the apprenticeship after a gateway process)
- allow apprenticeship training providers to deliver and mark some parts of the

apprentice's assessment, with appropriate oversight by the AO

- expect employers to determine when an apprentice has attained the 'behaviours' set out in an occupational standard – consequently 'behaviours' will no longer be assessed by AOs
- set an expectation that assessment will be proportionate to the competency tested, with the minimum amount of assessment required for validity

Apprenticeship assessment plans

DfE has stated in its [Apprenticeship Assessment Principles](#) that, in future, assessment plans will be short and high level, containing the minimal prescription of assessment required to demonstrate occupational competence, based on the core requirements set out by employers.

They will:

“be informed by employers (as now) but must also reflect input from assessment and delivery experts including the designated regulatory body for quality assuring the assessment, plus awarding organisation and training provider representation, to ensure proportionality, value for money and deliverability.

“include the minimum number of assessment methods for validity

“contain no duplication of assessment, unless it is a statutory requirement. For example, if there is already a mandatory industry recognised qualification that provides a licence to practice as part of the standard, the knowledge and skills demonstrated in this do not need to be subsequently retested

“consider the best use of technology and digital tools when setting assessment methods; and outline how and when assessment will be undertaken, ensuring this is at the right time and place. This may include allowing on programme assessment, rather than requiring all assessment to be undertaken at the end”

This new streamlined approach to assessment plans will give AOs greater responsibility and accountability for the way they design and deliver their apprenticeship assessments, while retaining the strong link to employer requirements as set out in the occupational standard.

Skills England has provided a document to support this consultation (Annex A) that illustrates what the structure of an apprenticeship assessment plan may look like. This structure is subject to further testing and refinement by Skills England.

Foundation apprenticeship assessments

DfE has announced the introduction of foundation apprenticeships. These are employed positions with training available for young people aged 16 to 21 and, in addition, up to 25 for those who have an Education, Health and Care Plan (EHCP), and/or are a care leaver, prisoner or prison leaver.

Foundation apprenticeships are intended to help young people to grow their skills in a broad sector area and develop entry-level competence. They are also intended to enable foundation apprentices to make an informed decision about which specialised level 2 or higher apprenticeship to progress onto.

The [occupational standards and apprenticeship assessment plans for foundation apprenticeships](#) have been published by Skills England.

Ofqual is proposing to regulate all apprenticeship assessments, including foundation apprenticeship assessments, through one regulatory framework. This consultation therefore covers the regulation of foundation apprenticeship assessments and any references to apprenticeship assessments are therefore intended to include foundation apprenticeship assessments.

Ofqual's aims and role in regulating apprenticeship assessment

Ofqual regulates qualifications, and the AOs that deliver them, through the General Conditions of Recognition. These cover the design, development, delivery, and award of qualifications. Ofqual only introduces additional regulations where we consider that additional controls are necessary and in the interests of students and apprentices, to secure the quality of a qualification or group of qualifications.

DfE's [Apprenticeship Assessment Principles](#) enable a significant change in the way that apprentices are assessed and a departure from key aspects of the EPA approach to assessment that has been in place for around a decade. Whilst providing for greater flexibility in design and delivery, the new approach has the potential to increase risks to comparability of apprenticeship assessment within a standard between awarding organisations.

To maintain public and employer confidence in the results achieved by apprentices through the new assessment arrangements, Ofqual proposes to introduce a new regulatory framework for apprenticeship assessment. This will:

- embed DfE's [Apprenticeship Assessment Principles](#) in Ofqual's regulation

- secure AOs' compliance with the new apprenticeship assessment plans, developed by Skills England with employers
- specify key requirements for the design of apprenticeship assessment to ensure their validity
- enable Ofqual to hold AOs to account for the design and delivery decisions they have made

The regulatory framework seeks to ensure the results achieved by apprentices will demonstrate their competence (whether entry-level competence in foundation apprenticeships or occupational competence in a specific role) and job readiness, can be used by them to progress in their careers and can be used by employers in their employment decisions.

Ofqual regulates the assessment of more than 580 diverse apprenticeship occupational standards, which are delivered by a wide variety of AOs. We want to ensure that Ofqual has sufficient controls in place to secure the overall validity of apprenticeship assessments, while permitting standard-specific approaches where this will support validity and manageability.

The new regulatory framework will sit alongside the new apprenticeship assessment plans published by Skills England, which will be the vehicle through which employer expectations are communicated. Ofqual will require AOs to comply with any requirements set out in these plans.

We are proposing that the new regulatory framework only applies to apprenticeship assessments which are developed to meet the requirements of a new apprenticeship assessment plan. EPAs based on the current assessment plans will continue to be regulated through the current EPA regulatory framework. We explain our approach to transitioning between current and new apprenticeship assessment plans later in this consultation.

DfE's apprenticeship assessment principles are intended to lead to greater flexibility in design and delivery – such as when assessment happens and who delivers and marks the assessments. With this comes the potential for less consistency of assessment approach across apprenticeship assessments overall. Where multiple AOs offer apprenticeship assessments for the same occupational standard, employers and other users will rightly want assurance that the results are comparable. Comparability means all apprentices are measured accurately and consistently, regardless of the AO, assessor or location.

The specific expectation of what a pass grade means will be set out within the

apprenticeship assessment plan and is a key aspect to secure comparability. For a foundation apprenticeship it will be based on the need for the apprentice to have achieved and demonstrated entry-level competence, and for a specialised apprenticeship it will be based on the need for the apprenticeship to have achieved and demonstrated full occupational competence.

Ofqual's regulatory framework for apprenticeship assessment will build on our General Conditions of Recognition to ensure, through appropriate and proportionate controls, that apprentices achieving a pass grade have acquired and can demonstrate that they have the knowledge and skills to carry out their role to the standard expected by employers. Ofqual will regulate to ensure that employers' expectations, as set out in the apprenticeship assessment plans produced by Skills England, are appropriately reflected in the design decisions AOs make when developing their apprenticeship assessments.

Recognition

To reduce burden and bring apprenticeship assessment recognition more in line with other parts of the regulated market, Ofqual has decided to introduce a new approach to recognition for apprenticeship assessments.

At present, AOs must apply to be recognised by Ofqual to deliver EPA for each individual apprenticeship occupational standard they wish to offer.

In the future, AOs will be able to apply to Ofqual to be recognised to deliver apprenticeship assessments based on a broader category made up of Sector Subject Area (SSA) tier 2 classification, level and qualification type. This will enable AOs to adapt to market changes without needing to reapply for recognition for each new or updated occupational standard. 'Apprenticeship assessment' will be introduced as a new category on Ofqual's Register.

Regulatory approach

In addition to the proposed new regulatory framework, Ofqual will use a range of tools to regulate apprenticeship assessment in delivery. This will include directly engaging with AOs to ensure they understand and comply with our new regulatory framework.

We will focus our proactive monitoring on key areas of risk. Where concerns exist or are identified, Ofqual will conduct targeted reviews of assessment strategies, Centre Assessment Standards Scrutiny (CASS) strategies and direct observations of assessment delivery, together with enhanced monitoring of specific AOs.

Proposals

Purposes

Ofqual's starting point is that high-quality qualifications and assessments should have clear purposes and that decisions taken about the design of qualifications and assessments should reflect those purposes. Well-defined purposes should ensure that users are clear about what a qualification and its assessments should equip students or apprentices to do and to what uses the results will be put.

DfE intends for the assessment process for apprenticeships to be more streamlined and flexible, and AOs will have greater responsibility than before for assessment design and delivery and will be more accountable for their decisions as a result. This means that there needs to be an increased level of clarity about the purpose of apprenticeship assessments and what they must deliver for apprentices.

Proposal

To ensure that apprenticeship assessments are designed with clear purposes in mind, Ofqual proposes to set out general purposes for apprenticeship assessments. This will help to bring clarity about their purposes and what they must deliver for apprentices. It will also support consistency across AOs and provide the foundations for the approach to assessment design.

Ofqual proposes that the general purposes for apprenticeship assessments should be as follows and should be prioritised as set out below.

Purpose A: Enabling the apprentice to acquire and demonstrate the knowledge and skills specified in the occupational standard, to reflect the level of competence required

Purpose B: Providing employers with reliable evidence of an apprentice's attainment against the relevant knowledge and skills so they can have confidence

that the apprentice has reached the expected performance standard and use the evidence to make employment decisions

Purpose C: Building the apprentice's confidence in the workplace and motivating them to develop their occupational competence

These general purposes will apply across all apprenticeships. They prioritise apprentices' acquisition and demonstration of the knowledge and skills that have been specified in the occupational standard, whether leading to entry-level competence for foundation apprenticeship assessments or occupational competence for specialised apprenticeship assessments. This is important in ensuring employers can have confidence that the apprentice has reached the expected performance standard and that they can use the results of the apprenticeship assessment to make employment decisions. The purposes also reflect the importance of apprenticeship assessment in building the apprentice's confidence in the workplace and motivating them to develop their occupational competence.

When designing an apprenticeship assessment, the above purposes will steer AOs' decisions about how to cover the knowledge and skills in the occupational standard and how to meet the requirements in the apprenticeship assessment plan.

AOs will be expected to meet all the general purposes to the greatest extent possible, but where design trade-offs need to be made, they will be expected to prioritise the purposes in the order set out – Purpose A, then Purpose B and then Purpose C. AOs will be required to explain how they have done so and to justify any trade-offs between the purposes. This is to ensure these purposes are embedded in the design decisions made by the AO.

In addition to the general purposes, AOs will be required to develop specific purposes for individual apprenticeship assessments, which may be contextualised to the occupational standard, and which may also take into account factors such as the level of the apprenticeship and any requirements in the apprenticeship assessment plan. Ofqual will require AOs to ensure these specific purposes are in line with the general purposes.

Where an apprenticeship assessment plan is aligned with a professional body's requirements, an AO may wish to develop specific purposes for their apprenticeship assessment to reflect this.

Question 1

Do you have any comments on the drafting of the proposed general purposes

for apprenticeship assessment?

Question 2

To what extent do you agree or disagree with the proposed order of prioritisation of the proposed general purposes?

Question 3

To what extent do you agree or disagree with the proposal to require awarding organisations to design apprenticeship assessments that are in line with nationally set general purposes which will be included in Ofqual's regulatory framework?

Question 4

To what extent do you agree or disagree with the proposal to require awarding organisations to explain how they have developed apprenticeship assessments that reflect the nationally set purposes and justify any trade-offs they have made between the purposes?

Question 5

To what extent do you agree or disagree with the proposal to require awarding organisations to develop specific purposes for individual apprenticeship assessments in line with the proposed general purposes?

Question 6

Do you have any further comments on the proposals contained in this section?

Content

The content to be covered within an apprenticeship assessment and the way in which that content is assessed are important factors in ensuring that the assessments meet the intended purposes and are valid.

An apprenticeship assessment must cover the content specified in the relevant occupational standard appropriately so that the apprentice can acquire the knowledge and skills specified by employers as necessary to demonstrate the competence required for their job role, in line with the general purposes.

The apprenticeship assessment plan for an occupational standard will include assessment outcomes, mapped to knowledge and skills statements, which will specify the core requirements that should be demonstrated by the end of the apprenticeship programme.

The apprenticeship assessment plan may also set out any requirements around the expected coverage of knowledge and skills, for example if any of the content is mandatory or optional.

Proposal

To ensure that the content is being covered appropriately, Ofqual proposes to require AOs to explain how the content of their apprenticeship assessment covers the knowledge and skills set out in the relevant occupational standard published by Skills England.

AOs will also be required to design apprenticeship assessments that cover the assessment outcomes and comply with any requirements in relation to coverage of content set out in the apprenticeship assessment plan.

This will ensure that apprenticeship assessments – both overall and in terms of their individual components are designed to cover the knowledge and skills within an occupational standard in line with employers' expectations.

Question 7

To what extent do you agree or disagree with the proposal to require awarding organisations to explain how their apprenticeship assessment covers the knowledge and skills set out in the relevant occupational standard published by Skills England?

Question 8

To what extent do you agree or disagree with the proposal to require awarding organisations to design apprenticeship assessments that cover the assessment outcomes set out in the apprenticeship assessment plans published by Skills England?

Question 9

To what extent do you agree or disagree with the proposal to require awarding organisations to comply with any requirements regarding coverage of content set out in the apprenticeship assessment plans published by Skills England?

Question 10

Do you have any comments on the proposals contained in this section?

Assessment structure and synoptic assessment

In line with DfE's intention that there is greater flexibility in assessment, Ofqual does not propose to prescribe the overall structure of apprenticeship assessment or when individual assessments should take place. This is because decisions about the structure of assessment and when assessment should take place are best made at the level of the individual apprenticeship assessment, in line with the occupational standard.

Ofqual does, however, consider it important that apprentices are able to demonstrate their competence for the job role for which they are employed by drawing together knowledge and skills they have acquired, in line with the requirements in the relevant occupational standard and assessment plan...

Proposal

Although Ofqual does not propose to put in place any requirements about when apprenticeship assessment takes place, we propose to require AOs to comply with any requirements around the timing of assessment provided in the apprenticeship assessment plan.

Ofqual also proposes to require AOs to design their assessments to include synoptic assessment. In addition to this requirement, we propose to issue guidance on the use of synoptic assessment, to which awarding organisations must have regard. We propose to define synoptic assessment as requiring the apprentice to:

identify and use effectively, in an integrated way, an appropriate and substantial selection of knowledge and skills from the occupational standard.

The guidance will set out the factors that awarding organisations should consider when developing their approaches to synoptic assessment. It will say that the scope of any synoptic assessment should be sufficient to enable the demonstration of the apprentice's competence in line with the requirements in the occupational standard and apprenticeship assessment plan.

Ofqual considers that synoptic assessment should cover a substantial amount of the knowledge and skills in the occupational standard and so should comprise a significant proportion of the overall assessment, for example 40%. We will reflect this in our guidance.

As we are proposing to issue guidance rather than requiring a certain proportion of synoptic assessment, AOs would be permitted to take a different approach, with synoptic assessment contributing less than 40% to the overall assessment, where this can be justified in terms of the occupational standard and any requirements in the apprenticeship assessment plan.

Ofqual does not propose to prescribe when synoptic assessment takes place. It is likely that it will take place towards the end of the apprenticeship, as it is likely to be at that point that the apprentice will have acquired the full range of knowledge and skills needed. We do not consider it necessary however to specify when in the training programme this should be.

We consider that synoptic assessment could be marked by the AO or by centres, subject to appropriate oversight from the AO, depending on what is appropriate for the occupational standard. We think that this approach could also support manageability of assessment. We therefore do not propose to require that synoptic assessment is marked by the AO, although an AO may choose to do so.

We are not proposing to require the use of mark-based approaches in apprenticeship assessments. This means that AOs may take different approaches to describing the proportion of the apprenticeship assessment that is synoptic, depending on their assessment structure and assessment methods.

Ofqual will require AOs to explain their approach to the timing of assessment (when assessment take place) and synoptic assessment so we can hold them to account for their design decisions.

Question 11

To what extent do you agree with the proposal to require awarding organisations to comply with any requirements on the timing of assessment set out in an apprenticeship assessment plan published by Skills England?

Question 12

Do you have any comments on the proposed definition of synoptic assessment?

Question 13

To what extent do you agree with the proposal that Ofqual should require awarding organisations to design apprenticeship assessments to include some synoptic assessment?

Question 14

Do you have any comments on the proposal to issue Ofqual guidance in relation to the use of synoptic assessment? Please specify any areas you think that it would be helpful to include in the guidance.

Question 15

Do you have any further comments on the proposals contained in this section?

Setting assessments

DfE has specified in its [Apprenticeship Assessment Principles](#) that, as is currently the case with EPA, AOs will be expected to develop all assessment materials.

This is to ensure that all assessments are valid and can provide reliable evidence of apprentice achievement.

Ofqual's General Condition E4.2 (Ensuring the assessment is fit for purpose and can be delivered) requires AOs to ensure the content of the assessment is fit for purpose, is appropriate for the method of assessment chosen, has a consistent level of demand and sets out clear criteria against which a learner's levels of attainment can be differentiated.

Proposal

Ofqual proposes to require that all assessments are set by the AO. For an

apprenticeship assessment, we propose to define this as:

The AO must specify, at least:

- the assessment task and the work required of the apprentice
- the content to be covered through the assessment
- the time available for the assessment
- the assessment conditions
- assessment criteria that will enable assessors to differentiate between apprentices' levels of attainment
- the nature of any support that can be provided to apprentices
- any requirements relating to the submission of evidence

Ofqual proposes to permit AOs to allow centres to adapt certain aspects of assessments provided the need for valid, reliable assessment is maintained. Any adaptations made must only relate to the context of the questions or tasks. Centres will not be allowed to change the knowledge and skills assessed, the level of demand of the assessment, or any conditions specified in the apprenticeship assessment plan, but could contextualise the assessment to take into account the facilities or equipment available.

For example, if an assessment ordinarily requires the use of a specific software package, an AO could permit centres to use a different but equivalent software package. This would ensure the same knowledge and skills were assessed, with the same level of demand and the conditions of the assessment unchanged.

Ofqual will require AOs to explain their approach to setting assessments and adaptation so we can hold them to account for their design decisions.

Question 16

To what extent do you agree or disagree with the proposal that awarding organisations should set all assessments?

Question 17

To what extent do you agree or disagree with the proposed definition for setting the assessment?

Question 18

To what extent do you agree or disagree with the proposal that centres should be able to adapt certain aspects of AO-set assessments?

Question 19

Do you have any comments on the proposals contained in this section?

Marking assessments

[DfE's Apprenticeship Assessment Principles](#) permit marking by centres, with appropriate oversight by AOs. This is a significant change from the current EPA approach which requires all assessments to be marked by AOs.

There are potential threats to the reliability of apprenticeship assessments which could arise as a result. There could, for example, be inconsistency in marking by different assessors and/or centres who lack the necessary experience or expertise. There could also be an increased risk of fraud and malpractice because of the high-stakes status of some apprenticeship assessments.

Accurate marking of assessments, whether carried out by the AO or by the centre, is essential to ensure the results achieved by apprentices give a reliable indication of their knowledge and skills. If the marking of assessments is inaccurate or inconsistent, this reduces the value of the results to employers in making informed employment decisions and undermines the value of apprenticeship assessments as a whole.

Where any aspect of the marking of an assessment is undertaken by a centre, AOs remain accountable for the result and Ofqual requires AOs to comply with the relevant General Conditions. These include:

- Condition A4 (Conflicts of interest)
- Condition A8 (Malpractice and maladministration)
- Condition C1 (Arrangements with third parties)
- Condition C2 (Arrangements with Centres)
- Condition H1 (Marking the assessment)

- Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a Centre)

Proposal

Ofqual proposes to require AOs to mark some assessments and to permit AOs to allow centres to mark some assessments with appropriate oversight.

To maintain confidence in apprenticeship assessments and to mitigate the risks we have identified, we consider that a significant proportion of the overall assessment should be marked by the AO unless the AO can demonstrate that an alternative approach will ensure the reliability of assessments.

We are proposing, therefore, to issue guidance on the approach to marking apprenticeship assessments, to which awarding organisations must have regard. The guidance will set out the risks awarding organisations must seek to mitigate when developing their approach to marking and will make clear that these risks might most effectively be mitigated by the AO marking a substantial proportion of assessments, for example 40%.

Again, as we are proposing to issue guidance rather than requiring AOs to mark a certain proportion of the assessment, AOs would be permitted to take a different approach, with AO marking contributing less than 40% to the overall assessment, where an alternative marking approach sufficiently addresses the risks set out in the guidance.

We think this balances the need to ensure AOs have sufficient direct oversight of results with providing sufficient flexibility for AOs to permit centre marking, in line with DfE's principles. It will also help provide a safeguard for risks to authenticity of assessment, such as those stemming from the growing availability of artificial intelligence tools.

AOs will also be required to comply with any requirements specified in the apprenticeship assessment plan about the approach to marking, to ensure that any risks to the reliability of assessment and any other sector considerations identified by employers are addressed.

Where AOs design assessments that are marked by centres, they must comply with the relevant conditions listed above. This means AOs must have in place clear and effective arrangements to undertake Centre Assessment Standards Scrutiny (CASS) in respect of the assessment and set those out in a CASS strategy that must be made available to Ofqual. As part of Ofqual's monitoring in delivery, we will review a sample of CASS strategies.

To support AOs to comply with Ofqual's regulatory requirements on centre marking of assessments, we propose to issue new guidance on Centre Assessment Standards Scrutiny (CASS) (Condition H2) and updated guidance on Arrangements with Centres (Condition C2).

Ofqual proposes to require AOs to explain their approach to marking so we can hold them to account for their design decisions.

As explained earlier, we are not proposing to require the use of mark-based approaches in apprenticeship assessments. This means AOs may take different approaches to describing the proportion of the apprenticeship assessment that is marked by them, depending on their assessment structure and assessment methods.

Question 20

To what extent do you agree or disagree with the proposal to require awarding organisations to mark some apprenticeship assessments to mitigate against threats we have identified to the reliability of the assessments?

Question 21

Do you have any comments on the proposal to issue Ofqual guidance in relation to the marking of assessments? Please specify any areas that you think that it would be helpful to include in the guidance.

Question 22

To what extent do you agree or disagree with the proposal to require awarding organisations to have regard to any marking approach specified in an apprenticeship assessment plan published by Skills England?

Question 23

Do you have any comments on the proposal to issue Ofqual guidance in relation to Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a Centre)? Please specify any areas that you think that it would be helpful to include in the guidance.

Question 24

Do you have any comments on the proposal to issue Ofqual guidance in relation to Condition C2 (Arrangements with Centres)? Please specify any areas you think that it would be helpful to include in the guidance.

Question 25

Do you have any further comments on the proposals contained in this section?

Assessment design

The design of an apprenticeship assessment determines the extent to which it can measure how far apprentices have acquired the knowledge and skills employers need, as set out in the occupational standard. It is therefore of critical importance in ensuring the assessment is fit for purpose.

In future, many of the aspects of assessment design that are specified in detail in the current assessment plans will not be included in apprenticeship assessment plans.

As explained earlier, the streamlined plans may include some high-level requirements related to when assessments take place and marking approach. They may also include other requirements reflecting sector or occupational considerations that AOs should take into account when they design their apprenticeship assessments.

Apprenticeship assessment plans are not, however, expected to prescribe the detail of the assessment methods, the duration of assessments, assessment conditions, and the opportunities apprentices have to resit assessments or resubmit evidence.

As these elements of assessment design will not be specified by apprenticeship assessment plans, Ofqual has considered whether any additional rules or guidance should be introduced, in addition to the proposals already set out in this document.

Proposal

Ofqual does not propose to set requirements around assessment methods, when assessments take place, the number of assessments, assessment conditions, assessment duration, or resitting and resubmission opportunities.

We consider that these aspects of assessment design are best decided at the level of the individual apprenticeship assessment, taking into account the occupational standard, any requirements in the apprenticeship assessment plan and the other design decisions made by the AO.

We do propose, however, to issue guidance on assessment design that AOs must have regard to. This will include consideration of content, assessment structure, when assessment takes place and the approach to marking, including in relation to ensuring the authenticity of assessment evidence. We consider that this will support AOs to make design decisions in line with the general purposes, any steers in the apprenticeship assessment plan and Ofqual's requirements.

Ofqual proposes to require AOs to explain their approach to assessment design and delivery so we can hold them to account for their design decisions.

Where the apprenticeship assessment plan does include requirements related to assessment design, we also propose to require AOs to comply with those requirements. This will support comparability between AOs for a given occupational standard.

Question 26

Do you have any comments on the proposal to issue Ofqual guidance in relation to assessment design? Please specify any areas you think that it would be helpful to include in the guidance.

Question 27

To what extent do you agree or disagree that awarding organisations must comply with any requirements related to assessment design in an apprenticeship assessment plan published by Skills England?

Question 28

Do you have any further comments on the proposals contained in this section?

Grading and standard setting

Employers will expect that an apprentice who has achieved a pass grade has demonstrated they have acquired the knowledge and skills set out in the occupational standard, to the performance standard that they expect.

Establishing a clear expectation of the level of performance needed for a pass grade (or any higher grade) is key to ensuring a consistent and accurate measurement of apprentices' skills and knowledge, whoever marks the assessment, and to maintaining confidence in the results of apprenticeship assessments.

The apprenticeship assessment plans will specify the grading scale for the apprenticeship assessment and will include descriptions of the characteristics of a pass (and any higher grade) so that AOs have a common understanding of the level of performance required for each grade, in line with employer expectations.

Proposal

Ofqual proposes to require AOs to comply with the grading scale and description of the characteristics of a pass grade (and any other grade) included in an apprenticeship assessment plan when designing their assessments and setting standards. A pass grade will signal full occupational competence for specialised apprenticeship assessments and entry-level competence for foundation apprenticeship assessments, in line with the requirements of the relevant occupational standards and apprenticeship assessment plan.

Ofqual does not propose to prescribe a common grading scale across apprenticeship assessment as we consider that the grading scale should be decided at the level of the occupational standard and in line with any guidance from Skills England.

Ofqual also proposes to introduce guidance to support AOs in relation to standard setting. This will be for what we expect to be the 2 main types of assessment methods used in apprenticeship assessment - directly graded assessments and knowledge tests. This will help to ensure accurate and consistent grading, including across apprenticeship assessments for a given occupational standard. It may include, for example, how the levels of performance expected are determined and articulated, as appropriate to different assessment methods.

Question 29

To what extent do you agree or disagree that awarding organisations must comply with the grading scale and description of the characteristics of a pass grade (and any other grade) included in an apprenticeship assessment plan published by Skills England?

Question 30

Do you have any comments on the proposal to issue Ofqual guidance to support awarding organisations to take consistent approaches to standard setting? Please specify any areas you think that it would be helpful to include in the guidance.

Question 31

Do you have any further comments on the proposals contained in this section?

Assessment strategy requirements

An assessment strategy is a document an AO produces to explain and justify its overall approach to the design, development, delivery, and award of a qualification.

An assessment strategy is not a public-facing document for centres or apprentices. Ofqual's Condition E3 requires AOs to publish a specification, which is the public facing document explaining what is required of a student or an apprentice.

Where Ofqual requires an assessment strategy, we expect AOs to use this to demonstrate the steps and approaches they will take to secure, on an ongoing basis, that the qualification and assessments are fit for purpose. Assessment strategies must be detailed and meaningful, setting out the specific measures AOs intend to implement to secure, maintain and enhance as relevant the validity of the qualification.

Assessment strategies are an established mechanism through which Ofqual can secure oversight of a qualification to regulate it effectively in delivery. We do not mandate the use of a particular approach to assessment strategies. AOs are free to set out the required information in any format that meets our requirements.

Proposal

Ofqual proposes to require AOs to develop an assessment strategy covering each apprenticeship assessment they offer. The assessment strategy would have to explain key aspects of the qualification lifecycle, covering the design, development, delivery, and award of apprenticeship assessment.

This will give Ofqual oversight of AOs' approaches and enable us to regulate

apprenticeship assessments effectively in delivery.

AOs will be required to:

- establish and maintain an assessment strategy for the apprenticeship assessment
- ensure their assessment strategy sets out how they will comply, on an ongoing basis, with all the regulatory requirements that apply to apprenticeship assessment
- keep their assessment strategy under review
- review their assessment strategy at Ofqual's request, and make any changes
- if requested, show Ofqual how they have complied with their assessment strategy (or explain why not) and follow any instructions from Ofqual about complying with their assessment strategy.

The detail of these areas will be set out as part of any subsequent consultation on the Conditions and guidance. However, in summary, this would be expected to cover aspects such as:

- alignment with the general purposes for apprenticeship assessment
- coverage of the relevant knowledge and skills in the occupational standard and of the assessment outcomes in the assessment plan
- setting assessments
- synoptic assessment
- marking assessments, including the balance between centre and AO marking
- arrangements with centres and approach to Centre Assessment Standards Scrutiny (CASS)
- standard setting
- assessment conditions
- assessment availability
- resits and resubmissions

Question 32

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 for each apprenticeship assessment they offer?

Question 33

Do you have any comments on the areas proposed to be covered in assessment strategies?

Question 34

Do you have any further comments on the proposals contained in this section?

Employer engagement

At present, Condition E1 (Qualifications having an objective and support) is disapplied for EPA. This is because approval and publication of a given occupational standard has been taken as sufficient to demonstrate that it has employer support.

In the context of the apprenticeship assessment plans published by Skills England, AOs will have greater responsibility for assessment design and delivery decisions. Ongoing employer engagement will be important if AOs are to design and deliver apprenticeship assessments that meet the needs of apprentices and employers and fulfil the general purposes Ofqual proposes.

Proposal

Ofqual proposes not to disapply Condition E1 for apprenticeship assessments and AOs will need to take steps to secure employer support for the detail of their assessment design and delivery decisions. The guidance on Condition E1 suggests that seeking views from potential users of a qualification and recording evidence of user support is evidence that an AO is likely to comply with the Condition.

Condition D3 (Reviewing approach) also requires AOs to “identify and give due regard to any credible evidence which suggests that a change in its approach to the development, delivery and award of qualifications is required in order to ensure that the approach remains appropriate”. The guidance on Condition D3 suggests involving employers in any review of qualifications.

We propose to supplement the General Conditions with guidance to support AOs in meeting these Conditions in the context of apprenticeship assessments. We also propose that AOs should be expected to explain their approach to employer engagement to show how they are ensuring that their approach meets employers’

needs.

Question 35

To what extent do you agree or disagree with the proposal not to disapply Condition E1 for apprenticeship assessments?

Question 36

Do you have any comments on the proposal to issue Ofqual guidance to support awarding organisations to engage with employers effectively when designing apprenticeship assessments? Please specify any areas you think that it would be helpful to include in the guidance.

Question 37

Do you have any further comments on the proposals contained in this section?

Disapplication of General Conditions

At present, a number of Ofqual's General Conditions of Recognition have been disapplied or replaced with bespoke versions of the Condition for our regulation of EPA. These are:

- Condition B3 (Notification to Ofqual of certain events), replaced by a bespoke version of the Condition (Condition EPA3)
- Condition E1 (Qualifications having an objective and support),
- Condition E7 (Total Qualification Time),
- Condition E8 (Credit)
- Condition E9 (Qualification and Component levels, replaced with a bespoke version of the Condition (Condition EPA 4)
- Condition I3 (The design and content of certificates),
- Condition I4 (Issuing certificates and replacement certificates)

We have considered whether any of these Conditions should also be disapplied or bespoke versions developed for apprenticeship assessments if they are regulated

through the proposed regulatory framework set out in this consultation.

Proposal

Ofqual does not think that it will be necessary to disapply or develop bespoke versions of all of the General Conditions listed above in the regulatory framework for apprenticeship assessments.

Ofqual proposes to disapply the following General Conditions in the new regulatory framework:

- Total Qualification Time (Condition E7), as the expected length of an apprenticeship will be specified for the occupational standard
- Component credit (Condition E8), as there is no scope for a credit system to be applied to apprenticeship assessments
- Certification (Conditions I3 and I4), where the Secretary of State for Education will retain responsibility for apprenticeship certification, as now

Question 38

To what extent do you agree with the proposal to disapply General Condition E7 (Total Qualification Time) with respect to apprenticeship assessment?

Question 39

To what extent do you agree with the proposal to disapply General Condition E8 (Component credit) with respect to apprenticeship assessment?

Question 40

To what extent do you agree with the proposal to disapply General Conditions I3 and I4 (Certification) with respect to apprenticeship assessment?

Question 41

Do you have any comments on the proposals contained in this section?

Guidance in the current EPA regulatory framework

In the EPA regulatory framework, Ofqual has published [an extensive suite of guidance](#) that explains how to comply with the EPA QLCs and with the General Conditions of Recognition. The guidance covers areas including:

- conflict of interest
- reviewing approach
- titling
- qualification specifications
- compliance with assessment plans
- transitioning between versions of assessment plans
- issuing results

Proposal

We welcome views on whether it would be helpful for Ofqual to carry forward any of the current EPA guidance into the regulatory framework for apprenticeship assessment.

This guidance would be in addition to guidance proposed in this consultation on synoptic assessment, marking approach, assessment design, standard setting, Centre Assessment Standards Scrutiny (CASS) and arrangements with centres.

Question 42

Do you have any comments on whether Ofqual should carry forward any of the EPA guidance into the regulatory framework for apprenticeship assessment? Please specify which guidance you think that it would be helpful to carry forward.

Transition arrangements

DfE expects the apprenticeship assessments based on the new apprenticeship assessment plans to apply to new apprenticeship starts. Apprentices already on an apprenticeship programme when any new plans are released will generally be assessed in line with the current assessment plans, although there may be some

circumstances where transfer from EPA to the new apprenticeship assessment is permitted.

There may therefore be a period where AOs are delivering both EPA and apprenticeship assessment at the same time and therefore have 2 versions on the Ofqual Register at the same time for the same occupational standard.

It is important that AOs are clear which regulatory framework they must comply with when they are making their design and delivery decisions.

Proposal

Ofqual proposes to continue to regulate current EPAs based on the existing assessment plans through the existing EPA regulatory framework – the EPA Qualification Level Conditions (QLCs) and Guidance.

Ofqual proposes to regulate new apprenticeship assessments, based on new apprenticeship assessment plans, through our regulatory framework for apprenticeship assessment once it has been published.

There will be a transition period when new apprenticeship assessment plans have been published by Skills England and are in delivery, but Ofqual's new framework for apprenticeship assessment has not yet been published. During this period, foundation apprenticeship assessments and any new apprenticeship assessments must be delivered based on the relevant apprenticeship assessment plans published by Skills England.

Ofqual proposes that any apprenticeship assessments that start during this transition period will be regulated through the EPA regulatory framework. To avoid a situation where an AO may find itself at risk of non-compliance with the new regulatory framework for apprenticeship assessment, and to prevent a scenario where the apprentice may be adversely affected by a change in the structure of assessment mid-journey, any apprenticeship assessments in delivery will continue to be regulated through the EPA regulatory framework until the apprentices have completed their assessments.

In the fullness of time, all new apprentices will be starting an apprenticeship assessment based on the new apprenticeship assessment plans, and all apprenticeships based on current EPA will have been completed.

At that point, all apprenticeship assessments will be regulated through the new regulatory framework for apprenticeship assessment. If an AO decides to retain an assessment approach similar to EPA once a new apprenticeship assessment plan has come into effect, it will still need to comply with the regulatory framework for

apprenticeship assessment, not with the EPA regulatory framework.

Question 43

Do you have any comments on the proposed approach to transition arrangements?

Impact assessments

Equality impact assessment

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

[Government data](#) shows that in the 2023 to 2024 academic year, 28% of learners starting apprenticeships were 19 years old or younger and 17% of people who started apprenticeships were from minority ethnic backgrounds. Although there is almost parity with respect to gender - 52% of apprenticeship starts were by females in the 2023 to 2024 academic year, while 48% were by males – there are disparities within some occupational routes and standards. 17% of apprenticeship starts in 2023 to 2024 were by people recorded as having a learning difficulty and/or disability (LLDD) and 25% of apprenticeship starts in England were by people who were eligible for Free School Meals (FSM) during their time at school.

Within this consultation, the equality impact on apprentices (those who share a particular protected characteristic and for other reasons such as their socio-economic background) has been considered in relation to Ofqual's proposals only, not to wider apprenticeship policy.

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

Purposes

Ofqual proposes that AOs should develop assessments in line with the general

purposes set out. By explicitly requiring AOs to consider motivating apprentices as part of their assessment design, the purposes will drive AOs to make design choices that support apprentices to complete their assessments. Ofqual will then be able to review AOs' design choices in line with the purposes. We consider that this proposal may have a positive equality impact for some groups of apprentices.

Content

Ofqual proposes that AOs should develop assessments that cover the content of a given occupational standard and the assessment outcomes set out in the apprenticeship assessment plan. We consider that this proposal will have no identifiable equality impact.

Assessment structure and synoptic assessment

Ofqual proposes to require awarding organisations to include some synoptic assessment in their assessment design and to issue guidance on the use of synoptic assessment to which AOs must have regard when designing their apprenticeship assessments. We consider that these proposals will have no identifiable equality impact.

Setting assessments

Ofqual proposes that AOs should set all assessments, which means specifying certain aspects of the assessment. We consider that this proposal will have no identifiable equality impact.

Marking assessments

Ofqual proposes to require AOs to mark some assessments and to issue guidance on the marking approach for apprenticeship assessments, to which AOs must have regard when developing their assessments. The guidance will state that Ofqual considers that a significant proportion of the assessments must be marked by AO to ensure the reliability of the assessments.

We consider that these proposals will have no identifiable equality impact.

Assessment design

Ofqual proposes to develop guidance to help AOs to make design decisions. We consider that these proposals will have no identifiable equality impact.

Grading and standard setting

Ofqual proposes to require AOs to use the grading scale and the descriptions of characteristics of a pass grade (and any others), specified in an apprenticeship assessment plan, and to issue guidance on standard setting with respect to directly graded and knowledge assessments. We consider that these proposals will have no

identifiable equality impact.

Assessment strategies

Ofqual proposes that AOs should develop and keep under review an assessment strategy setting out their approach to designing, developing and awarding qualifications. Through its assessment strategy, an AO will need to explain its overall approach to the design, development and delivery of its qualifications. This will include ensuring it meets the equality requirements that apply through Ofqual's General Conditions. This will enable us to review AOs' approaches, and to take action when these approaches do not meet the requirements of the General Conditions. We consider that this proposal will have a positive equality impact.

Employer engagement

Ofqual proposes to require AOs to engage with employers when developing their apprenticeship assessments. Part of this engagement could be ensuring that potential equality implications of assessment design are fully considered, by ensuring employers' knowledge of how different types of assessment could affect apprentices with particular protected characteristics are taken into account. We consider that this proposal will have a positive equality impact.

Disapplication of General Conditions

Ofqual proposes to disapply the following General Conditions – Total Qualification Time (Condition E7), Component credit (Condition E8) and Certification (Conditions I3 and I4) – with respect to apprenticeship assessment. We consider that this proposal will have no identifiable equality impact.

Guidance in the current EPA regulatory framework

Ofqual proposes to seek views on whether the EPA QLC guidance should be carried forward into the regulatory framework for apprenticeship assessment. We consider that this proposal will have no identifiable equality impact.

Transition arrangements

Ofqual proposes to regulate apprenticeship assessments under the new regulatory framework for apprenticeship assessment.

Until this regulatory framework is in place, Ofqual proposes that all apprenticeship assessments in delivery prior to this point will be regulated through the existing EPA regulatory framework. All apprenticeship assessments in delivery after this point will be regulated through the new regulatory framework.

We consider that this proposal will have no identifiable equality impact.

Question 44

Are there any other potential equality impacts (positive or negative) on apprentices who share a particular protected characteristic or are from a lower socio-economic background arising from our proposals, either individually or in combination? Where possible, please separate your answer by protected characteristic.

Question 45

Are there any additional steps that Ofqual could take to mitigate any potential negative impacts resulting from the proposals, either individually or in combination, on apprentices who share a particular protected characteristic or are from a lower socioeconomic background?

Regulatory impact assessment

The Ofqual-regulated EPA sector contains a diverse range of markets and AOs. There are 150 AOs that offer an Ofqual-regulated EPA across more than 580 occupational standards.

Ofqual's EPA statistical report shows that between March 2023 and February 2024 close to 145,000 Ofqual-regulated EPAs were completed by apprentices, although the volume of completions varied significantly depending on route and occupational standard. Several standards accounted for a substantial proportion of all completions – such as the Business Administrator standard (5.8% of all completed EPAs). In almost one-fifth of Ofqual-regulated occupational standards, there were 5 or fewer completions over this period.

This diversity can also be seen in the profile of the AOs and their market context. About two-thirds of AOs offering EPAs are small or micro-organisations, although they account for just one-fifth of overall market completions. While most AOs offering EPAs are recognised by Ofqual to offer both EPAs and other vocational and technical qualifications, the smallest organisations are most likely to exclusively offer EPAs.

Just over 40% of occupational standards with EPAs on Ofqual's Register of regulated qualifications are served by a single AO. These occupational standards

are typically low-volume, accounting for less than 4% of total EPA completions. The AOs offering these have a similar distribution of organisational size as the overall population of AOs that offer EPAs but are far more likely to only offer EPAs (around half).

We recognise that the impact of the regulatory framework on AOs will differ based on their current offer, delivery model and market share. The demand on resource will be greater for AOs who may have to make significant changes to the way they operate, particularly for those that only offer EPA.

Our proposed regulatory framework is intended to give AOs greater accountability and responsibility for assessment design and delivery, in line with [DfE's Apprenticeship Assessment Principles](#). We accept that in the short term this will have resource implications but, in the longer term, AOs will be better placed to consider manageability upfront, make improvements on an iterative basis and innovate while doing so.

We have also sought to minimise the overall impact on AOs by introducing additional requirements in addition to Ofqual's General Conditions only where we consider this is necessary to secure the validity of and public confidence in apprenticeship assessments. For example, we have not proposed to introduce additional requirements relating to assessment availability, assessment duration, or resits and resubmissions. We think these aspects of assessment design are best determined by the awarding organisations, in line with the occupational standard and any requirements specified in the apprenticeship assessment plan, so that manageability and affordability, alongside validity, can be considered up front.

We also propose to disapply a limited number of General Conditions with respect to apprenticeship assessment to remove duplication of regulation.

Where we are proposing to introduce additional rules, in many cases, we also propose to introduce guidance to help AOs to comply with our regulatory requirements. For example, recognising that some AOs will be less familiar with our regulatory requirements for centre marking, the guidance we have proposed to introduce for Condition H2 will help to lessen the burden by making clear to AOs what is expected of them in this area.

Our new, streamlined approach to recognition for apprenticeship assessment, described in this consultation, will also lead to a reduction in the burden placed on AOs when they enter the market or wish to change their offer.

Within this consultation, the regulatory impact on awarding organisations has been

considered in relation to Ofqual's proposals only, not wider apprenticeship policy.

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

Purposes

Ofqual proposes that AOs should develop assessments in line with the general purposes set out.

We recognise that there will be an increase in burden on AOs if they need to redevelop their assessments to align with the purposes, and the increase in burden will be proportionate to the extent to which their assessments are not currently aligned with the purposes. However, for newly developed apprenticeship assessments we consider the burden to be less as AOs will be free to make assessment design choices which align with the purposes from the outset.

We consider the burden this requirement will place on AOs to be proportionate given the importance to the validity of an assessment of it having a clear purpose and being designed to meet that purpose.

Content

Ofqual proposes that AOs should develop assessments that cover the content of a given occupational standard and the assessment outcomes set out in the apprenticeship assessment plan.

We recognise that this requirement will place some regulatory burden on AOs, as they will need to ensure their apprenticeship assessments cover the content appropriately. However, we consider this burden to be proportionate given the importance of content coverage to meeting the purposes we have set out and to fulfil employers' expectations of apprenticeship assessments.

Assessment structure and synoptic assessment

Ofqual proposes to require awarding organisations to include some synoptic assessment in their assessment design and to issue guidance on the use of synoptic assessment to which AOs must have regard when designing their apprenticeship assessments.

We recognise that this requirement will place some regulatory burden on AOs, whether developing new assessments or adapting existing ones to include some synoptic assessment which aligns with our proposed definition. Where AOs are basing their apprenticeship assessments on the current EPA approach, the burden

could be lessened given the current requirement that at least one assessment method must be synoptic in nature.

AOs will also have to have regard to the Ofqual guidance on synoptic assessment which will place some regulatory burden on AOs. The guidance will state that there should be a significant proportion of synoptic assessment. However, as this is Ofqual guidance and not a requirement, AOs will be able to develop alternative approaches where these can be justified. Whatever their approach to synoptic assessment, AOs will be able to consider manageability and affordability up-front, alongside validity and reliability, when developing assessments. This could help to minimise the additional burden placed upon them by Ofqual's requirements.

We consider the additional burden these requirements will generate to be proportionate as synoptic assessment is key to enabling an apprentice to demonstrate their competence and job readiness.

Setting assessments

Ofqual proposes that AOs should set all assessments, which means specifying certain aspects of the assessment. In EPA, all assessments are already set by the AO. We do not consider that this requirement places any additional regulatory burden on AOs.

Marking assessments

Ofqual proposes to require AOs to mark some assessments and to issue guidance on the marking approach for apprenticeship assessments, to which AOs must have regard when developing their assessments. The guidance will state that Ofqual considers that a significant proportion of the assessments must be marked by AOs to ensure the reliability of the assessments.

We recognise that this requirement will place some regulatory burden on AOs, although the burden will be less than is the case for EPA where AOs must mark 100% of assessment.

The requirement to have regard to Ofqual's guidance on marking approach, which will state that there should be a significant proportion of AO marking to secure the reliability of assessment, will place some regulatory burden on AOs. However, as this is Ofqual guidance and not a requirement, AOs will be permitted to take different approaches where this can be justified, which will give them greater flexibility to consider manageability and affordability upfront.

We also recognise that, where centre marking is permitted, the requirement to develop and implement a Centre Assessment Standards Scrutiny (CASS) strategy

will place a burden on AOs, and there is likely to be a greater burden on AOs that currently deliver EPA only as they will be unlikely to have experience of developing a CASS strategy. However, our regulatory framework permits AOs to design apprenticeship assessment without centre marking, which reduces this potential burden.

For AOs who are less familiar with our regulatory requirements for centre marking, the guidance we have proposed to introduce will help to lessen the burden by making clear to awarding organisations what is expected of them in this area. We also intend to offer engagement sessions to brief AOs on our CASS requirements.

Assessment design

Ofqual proposes to develop guidance to help AOs to make design decisions. We consider that this proposal will have a positive regulatory impact, as it will help AOs to make design decisions compliant with Ofqual's regulations.

Grading and standard setting

Ofqual proposes to require AOs to use the grading scale, and the descriptions of the characteristics of a pass grade (and any other), specified in an apprenticeship assessment plan, and to issue guidance on standard setting with respect to directly graded and knowledge assessments.

We recognise that the requirement to use the grading scale specified in an apprenticeship assessment plan will place some burden on AOs that will need to design assessments which align with the descriptions of the characteristics of each grade required. However, we consider this burden to be proportionate to enable employers and other users to have confidence in what a pass (or any higher) grade signals. We consider that the proposal to issue guidance on standard setting could have a positive regulatory impact as it will help AOs to develop assessments which comply with Ofqual's regulations.

Assessment strategies

Ofqual proposes that AOs should develop and keep under review an assessment strategy setting out their approach to designing, developing and awarding qualifications.

We recognise there will be a regulatory burden related to this requirement, but we consider the burden to be proportionate to ensure AOs are accountable for the design decisions they take.

We will proactively engage with AOs to help them comply with the requirements, as we recognise that many of the AOs operating in this part of the qualifications and

assessment market are small and relatively new to Ofqual regulation. AOs will also be able to submit their material to Ofqual, where requested, in any format that covers our requirements.

Employer engagement

Ofqual proposes to require AOs to engage with employers when developing their apprenticeship assessments.

We recognise this requirement will place some regulatory burden on AOs, but we consider the burden proportionate as employer engagement is critical to ensure apprenticeship assessments are fit for purpose and reflective of employers' needs. We will seek to reduce the burden on AOs by providing guidance to help them to comply with this requirement.

Disapplication of General Conditions

Ofqual proposes to disapply the following General Conditions – Total Qualification Time (Condition E7), Component credit (Condition E8) and Certification (Conditions I3 and I4) – with respect to apprenticeship assessment. We consider that this proposal will have a positive regulatory impact as it will remove duplication of regulation and lessen the potential for uncertainty amongst AOs.

Guidance in the current EPA regulatory framework

Ofqual proposes to seek views on whether the EPA QLC guidance should be carried forward into the regulatory framework for apprenticeship assessment. We consider that this proposal could have a positive regulatory impact, as it will help AOs to make design decisions that comply with our regulations.

Transition arrangements

Ofqual proposes to regulate apprenticeship assessments under the new regulatory framework for apprenticeship assessment.

Until the regulatory framework is in place, Ofqual proposes that all apprenticeship assessments in delivery prior to this point will be regulated through the existing EPA regulatory framework. All apprenticeship assessments in delivery after this point will be regulated through the new regulatory framework.

The proposed approach is intended to minimise regulatory burden for AOs and to mitigate any potential adverse effects for apprentices. Specifically, an AO that has designed an apprenticeship assessment that is compliant with the EPA regulatory framework could inadvertently find itself at risk of breaching the new regulatory framework. This could place the AO in a scenario where it needed, at short notice, to amend an apprenticeship assessment which is in delivery to comply with the new

regulatory framework. In doing so, this may result in changes to the assessment process that adversely impact on an apprentice who is mid-journey.

While it is possible that AOs may anticipate potential changes and factor those into their apprenticeship assessment design prior to the introduction of the new regulatory framework, we recognise that Ofqual cannot expect that AOs will be compliant with additional rules that are not yet in effect.

Question 46

Are there any regulatory impacts that have not been identified as arising from the proposals, either individually or in combination? If yes, what are the impacts and are there any additional steps that could be taken to minimise the regulatory impact of the proposals?

Question 47

To what extent do you think the overall financial impact on awarding organisations of the regulatory framework will be positive or negative? Please provide estimated figures where possible.

Question 48

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

Question 49

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

Innovation

Ofqual has a duty under the Apprenticeships, Skills, Children and Learning Act 2009 to have regard to the desirability of facilitating innovation relating to the provision of regulated qualifications. Ofqual has committed to surveying AOs' views of the impact of its regulatory requirements on innovation and to consider any revisions required in response.

Ofqual considers that the proposed regulatory framework will have a positive impact

on innovation. AOs will be empowered to make design decisions where they are currently unable to do so because of the specificity of assessment plans.

There will be some constraints. The requirements set out in apprenticeship assessment plans, which are necessary to ensure assessments reflect employers' needs, and the controls Ofqual has put in place to secure validity and public confidence, will have some impact on the range of assessment design decisions that will be open to AOs.

However, within the boundaries set by this limited range of controls and any requirements specified in the apprenticeship assessment plan, AOs will still have flexibility to determine their own approaches to assessment design and delivery. They will be able to decide what they consider to be the appropriate balance of synoptic and other assessment, AO or centre marked assessment, the detail of the assessment methods they use and when assessments should take place. They will also be able to include the use of new and existing technology where this supports the validity and manageability of assessment.

Question 50

Do you have any comments on the impact of the proposals for the regulatory framework for apprenticeship assessment on innovation by awarding organisations?

Annex A: Skills England's new apprenticeship assessment plan structure

Following DfE's announcement of its [Apprenticeship Assessment Principles](#), Skills England has been developing a new structure for assessment plans. Assessment plans must clearly set out the apprenticeship's assessment requirements and effectively embed the new principles. Where apprenticeships include a mandatory qualification or have links to professional body membership, these will also be highlighted in the plan.

The new structure

Section	Description
Assessment details	Explains a number of core principles that apply to the apprenticeship's assessment, including the purpose of assessment outcomes and the expectation that all outcomes must be met. This section also sets out expectations relating to sampling, timing, and marking of assessments.
Assessment of behaviours	Clarifies that the employer is responsible for verifying that each behaviour statement has been sufficiently demonstrated.
Assessment outcomes	Summarises the content of the occupational standard into assessment outcomes and explains which knowledge and skills statements map to each outcome. Where there is a mandatory qualification, these outcomes describe the content that is not assessed by the qualification only.
Assessment requirements	Notes specific requirements in relation to individual assessment outcomes or groups of outcomes. This may include describing specific priorities that inform the approach to assessment.
Performance descriptor	Describes the characteristics of a 'pass' and any grades above a pass.

Annex B: 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. 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 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 Skills England 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 Skills England 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](#) here.

Your response will also be shared internally within Ofqual 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. However, Ofqual will keep all anonymised responses to consultations for a period of 6 years.

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 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

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