



Open consultation

Regulatory framework for apprenticeship assessment - Conditions, requirements and guidance

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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 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, including foundation 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
- there is greater flexibility around when assessment can take place during an apprenticeship training programme
- providers can deliver and mark elements of the assessment, with appropriate oversight by awarding organisations

Ofqual consulted between 20 June and 27 August 2025 on its proposed approach to regulating the new Apprenticeship Assessments. We have announced [our decisions on our proposed regulatory approach](#), published alongside this consultation.

The aim of this consultation is to provide an opportunity for interested groups to comment on the draft conditions, requirements and guidance through which we intend to put these policy decisions into effect and to regulate Apprenticeship Assessments.

Part 1 of the consultation seeks views on [Ofqual's proposed conditions and requirements](#), while Part 2 seeks views on [Ofqual's proposed statutory guidance](#).

All regulated awarding organisations have a legal obligation to comply with Ofqual's rules, set out as conditions and requirements, on an ongoing basis.

Ofqual's statutory guidance explains how to comply with our conditions and requirements. Awarding organisations must have regard to any statutory guidance when deciding how to comply with Ofqual's conditions and requirements.

'Have regard to' means that awarding organisations must genuinely consider Ofqual guidance but can depart from it, provided they have proper and legitimate reasons for doing so.

In addition to seeking views on the proposed conditions, requirements and guidance, this consultation also seeks views on a small number of areas where we have made some changes to our proposed approach following the policy consultation. This includes revised general purposes, a revised definition for synoptic assessment, and a different way of describing the proportion of synoptic assessment and marking by the awarding organisation.

Ofqual aims to publish the final conditions, requirements and guidance in spring 2026.

Proposals at a glance

The consultation seeks views on the proposed conditions, requirements and guidance proposed to implement the decisions announced alongside this consultation.

We propose to introduce conditions and requirements in the following areas:

- **Condition AA1** (Interpretations and Definitions)
- **Condition AA2** (Disapplication of certain General Conditions of Recognition)
- **Condition AA3** (Compliance with Assessment Plans)
- **Condition AA4** (Assessment strategies)
- **Condition AA5** (Assessment)
- **Condition AA6** (Apprenticeship Assessment Purposes)
- **Condition AA7** (Content)
- **Condition AA8** (Standard setting)
- **Condition AA9** (Apprenticeship Assessment Levels)

We propose to introduce guidance on the following Apprenticeship Assessment Qualification Level Conditions:

- **Condition AA3** (Compliance with Assessment Plans) **Assessment design – Condition AA5** (Assessment) and **Condition AA7** (Content)
- **Grading and standard setting - Condition AA3** (Compliance with Assessment Plans) and **Condition AA8** (Standard setting)
- **Marking approach - Condition AA5** (Assessment)

We also propose to introduce guidance on the following General Conditions in relation to Apprenticeship Assessment:

- **Condition A4** (Conflicts of Interest)
- **Condition B3** (Notification to Ofqual of certain events)
- **Condition C1** (Arrangements with third parties)
- **Condition C2** (Arrangements with Centres)
- **Employer Engagement - Conditions D3** (Reviewing approach) and **Condition E1** (Qualifications having an objective and support)
- **Condition E2** (Titling)
- **Condition E3** (Qualification specifications)
- **Condition H2** (Centre Assessment Standards Scrutiny)
- **Condition H6** (Issuing results)

We also seek views on any equality and regulatory impacts arising from our proposed conditions, requirements and guidance, and any impact on innovation.

Audience

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

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

Consultation arrangements

Duration

This consultation will be open on Wednesday 3 December 2025 and ends on Wednesday 11 February 2026 at 11:59pm.

Respond online

Responses should be submitted through [the online consultation platform](#).

Other ways to respond

If for exceptional reasons you are unable to use the online consultation platform, for example because you use specialist accessibility software that is incompatible with the platform, you may request an alternative format. Please email consultations@ofqual.gov.uk to request this.

For information on how Ofqual will use and manage your data, please see Annex A.

Part 1 – Conditions and requirements

Condition AA1 (Interpretation and Definitions)

Ofqual has decided to define certain key terms relating to Apprenticeship Assessment. This will ensure that awarding organisations are clear about which

assessments the Apprenticeship Assessment Qualification Level Conditions (QLCs) apply to.

We will also clarify when the Apprenticeship Assessment QLCs have or do not take precedence in the event of any inconsistency between them and Ofqual's General Conditions.

Proposal

Ofqual is proposing to put in place Condition AA1 (Interpretation and Definitions).

The proposed Condition:

- sets out how the Conditions and guidance should be interpreted as part of Ofqual's regulatory framework
- specifies that the interpretation and definitions apply to Apprenticeship Assessment QLCs

It also clarifies that, to the extent that there is any inconsistency between an Apprenticeship Assessment QLC and an awarding organisation's ability to provide a Reasonable Adjustment (Condition G6) or Special Consideration (Condition G7), the awarding organisation may provide that Reasonable Adjustment or Special Consideration and is not obliged to comply with the requirement of the Apprenticeship Assessment QLC.

It also clarifies that, to the extent that there is any inconsistency between an Apprenticeship Assessment QLC and any other General Conditions, awarding organisations must comply with the Apprenticeship Assessment QLCs.

Ofqual is also proposing to define the following terms used in these Conditions:

- **Apprenticeship Assessment** – The process of determining whether a person seeking to complete an approved apprenticeship (as defined in section A1 of the 2009 Act) has attained the outcomes set out in the relevant occupational standard for which an assessment plan has been published after [date to be confirmed].
- **Assessment Plan** - The apprenticeship Assessment Plan published under section A2(1) of the 2009 Act after [date to be confirmed], as revised from time to time
- **End-point assessment** - The process of determining whether a person seeking to complete an approved apprenticeship (as defined in section A1 of the 2009 Act) has attained the outcomes set out in the relevant occupational standard for which an assessment plan has been published before [date to be confirmed].
- **Occupational Standard** – A standard for an occupation published under section ZA11(1) of the 2009 Act, as revised from time to time

Question 1

Do you have any comments on the proposal that, where there is any inconsistency between an Apprenticeship Assessment QLC and the General Conditions, awarding organisations must comply with the Apprenticeship Assessment QLCs?

Question 2

Do you have any comments on the proposal that, where there is any inconsistency between an Apprenticeship Assessment QLC and an awarding organisation's ability to provide a Reasonable Adjustment or Special Consideration, awarding organisations are not obliged to comply with the QLC?

Question 3

Do you have any other comments on the drafting of the proposed Condition AA1 (Interpretation and Definitions)?

Condition AA2 (Disapplication of certain General Conditions of Recognition applying to Apprenticeship Assessments)

Ofqual has decided to disapply certain General Conditions of Recognition in respect of Apprenticeship Assessments.

This is to remove the burden that would be created by unnecessary regulation by Ofqual in areas where Ofqual's General Conditions of Recognition would not apply to Apprenticeship Assessments.

Proposal

Ofqual is proposing to put in place Condition AA2 (Disapplication of certain General Conditions of Recognition applying to Apprenticeship Assessments).

We have decided, in addition to the Conditions which we proposed to disapply in our previous consultation, to disapply Condition E9 (Qualification and Component levels) and to introduce a bespoke Condition relating to levels in Apprenticeship Assessment. (This is Condition AA9 described later in this consultation). This is because the level of an Apprenticeship Assessment must be the same as the level of the Occupational Standard.

The proposed Condition therefore disapplies the following General Conditions in respect of each Apprenticeship Assessment:

- Condition E7 (Total Qualification Time)
- Condition E8 (Component credit)
- Condition E9 (Qualification and Component levels)
- Conditions I3 and I4 (Certification)

Question 4

Do you have any comments on the drafting of the proposed Condition AA2 (Disapplication of certain General Conditions of Recognition applying to Apprenticeship Assessments)?

Condition AA3 (Compliance with Assessment Plans)

Ofqual has decided to require awarding organisations to comply with any requirements or guidance in the Assessment Plan or the Occupational Standard for any Apprenticeship Assessment they make available or propose to make available.

In October 2025, Skills England published illustrative Assessment Plans. The new style Assessment Plans will include, as a minimum:

- an introduction – explaining the Assessment Plan’s purpose, status and relationship to other documents
- assessment outcomes – summarising the content of the Occupational Standard into assessment outcomes and explaining which knowledge and skills statements map to each outcome, identifying the mandatory knowledge and skills statements that must be assessed in every version of the assessment that is made available
- assessment requirements – outlining the mandatory assessment method that must be used in every version of the assessment that is made available and any additional requirements regarding the setting, marking or timing of assessments
- performance descriptors – describing the grading scale and the characteristics of a Pass grade and any grades above a Pass

Requiring awarding organisations to comply with these Assessment Plans will help to support consistency and comparability between awarding organisations where they are offering the same Apprenticeship Assessment, including in relation to the grading scale used and expected standards of performance.

Proposal

Ofqual is proposing to put in place Condition AA3 (Compliance with Assessment Plans), with associated guidance to assist awarding organisations in complying with this Condition.

The proposed Condition requires an awarding organisation, in respect of each Apprenticeship Assessment which it makes available, or proposes to make available, to:

- comply with any requirements, and have regard to any guidance, contained in the relevant Assessment Plan, in particular in relation to specified levels of attainment (grading scales and associated performance descriptors)
- interpret that Assessment Plan in accordance with any requirements, and have regard to any guidance, which may be published by Ofqual and revised from time to time

We also propose in Condition AA3 that, if there is a conflict between the requirements of the Assessment Plan and the requirements of the General Conditions or Apprenticeship Assessment QLCs, an awarding organisation must comply with the requirements of the General Conditions and Apprenticeship Assessment QLCs.

The draft guidance which we propose to issue in relation to this Condition is described in Part 2 of this consultation.

Question 5

Do you have any comments on the drafting of the proposed Condition AA3 (Compliance with Assessment Plans)?

Condition AA4 (Assessment strategies)

Ofqual has decided to require awarding organisations to develop an assessment strategy covering each apprenticeship assessment they offer. The assessment strategy should explain key aspects of the qualification lifecycle, covering the design, development, delivery, and award of apprenticeship assessment.

This will give Ofqual oversight of awarding organisations' design and delivery approaches and enable us to regulate apprenticeship assessments effectively in delivery.

Proposal

Ofqual is proposing to put in place Condition AA4 (Assessment strategies) and associated requirements relating to assessment strategies.

The proposed Condition will require an awarding organisation to:

- establish, maintain and keep under review an assessment strategy for each apprenticeship assessment they make available
- ensure that all assessments are designed, set, delivered and marked in compliance with its assessment strategy
- keep its assessment strategy under review and revise it where necessary, including to comply with any requirements specified by Ofqual and promptly notify Ofqual of any revisions it makes to it
- review its assessment strategy, if requested by Ofqual, to ensure that it complies with any requirements that Ofqual has communicated to it
- demonstrate to Ofqual's satisfaction, if requested, that it has complied with its assessment strategy for a particular assessment or provide an explanation to Ofqual as to why it has not
- ensure any requirements that Ofqual has specified to ensure compliance with the assessment strategy have been actioned
- have regard to any guidance in relation to assessment strategies which may be published by Ofqual and revised from time to time

The associated requirements cover both general requirements and detailed requirements related to assessment strategies.

The general requirements describe how an awarding organisation should demonstrate that its Apprenticeship Assessment is fit for purpose.

The detailed requirements list the following minimum aspects that an assessment strategy must cover:

- Purpose
- Scheme of assessment
- Content
- Assessment design
- Employer engagement
- Setting assessments
- Assessment delivery
- Marking assessments
- Grading and standard setting

The purpose of the scheme of assessment is to capture key information about the Apprenticeship Assessment and the design of the assessments within it. We think that recording key information in this way will help awarding organisations to then

go on to describe their assessment design and delivery decisions in their assessment strategy.

Question 6

Do you have any comments on the drafting of the proposed Condition AA4 (Assessment strategies)?

Question 7

Do you have any comments on the proposal to include a scheme of assessment in the requirements relating to assessment strategies?

Question 8

Do you have any other comments on the associated requirements relating to assessment strategies?

Condition AA5 (Assessment)

Ofqual has decided to require an awarding organisation to set all assessments, mark a substantial proportion of assessments so that they have direct oversight of standards, and to include a substantial proportion of synoptic assessment in their assessment design. This is to ensure that Apprenticeship Assessments are valid, reliable and fit for purpose.

We have revised the definition of synoptic assessment following our policy consultation earlier this year and are now seeking views on the new definition.

Proposal

Ofqual is proposing to put in place Condition AA5 (Assessment) and associated requirements relating to assessment. We are also proposing to issue guidance to assist awarding organisations in complying with this Condition.

This Condition requires awarding organisations to comply with Ofqual's requirements in relation to assessment and to have regard to Ofqual's guidance on assessment.

The associated assessment requirements cover:

- setting the assessment - awarding organisations must set all assessments, in line with the definition of setting included in guidance

- synoptic assessment - awarding organisations must include some synoptic assessment in the design of an apprenticeship assessment
- marking of assessments - awarding organisations must mark some assessments

In the assessment requirements, we define synoptic assessment as assessment in which:

Learners are given the opportunity to use, in an integrated way, an appropriate and substantial proportion of knowledge and skills from the Occupational Standard so that they have the opportunity to demonstrate occupational competence at the appropriate level.

The key terms, used in the above definition of synoptic assessment, are defined in the requirements as follows:

‘Integrated’ means that the assessment gives the Learner the opportunity to combine knowledge and skills as set out in the Occupational Standard in a coherent way, so that the Learner can demonstrate occupational competence at the appropriate level, rather than demonstrating them individually in isolation

‘Appropriate’ means that the assessment gives the Learner the opportunity to apply, and, where relevant, select knowledge and skills relevant to the question or task so that the Learner is able to demonstrate occupational competence at the appropriate level.

‘Substantial’ means that the assessment gives the Learner the opportunity to apply knowledge and skills that represent enough of the Occupational Standard to demonstrate occupational competence at the appropriate level.

The draft guidance which we propose to issue in relation to this Condition is described in Part 2 of this consultation.

Question 9

Do you have any comments on the drafting of the proposed Condition AA5 (Assessment)?

Question 10

Do you have any comments on the definition of synoptic assessment set out in the proposed assessment requirements relating to assessment?

Question 11

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

Condition AA6 (Apprenticeship Assessment Purposes)

Ofqual has decided to introduce general purposes which awarding organisations must meet when designing their Apprenticeship Assessments. We will also require awarding organisations to develop specific purposes for each Apprenticeship Assessment they offer, which must be consistent with the general purposes, while reflecting the relevant Occupational Standard.

This will help to bring clarity about what Apprenticeship Assessments must deliver for apprentices and will provide the foundations for the approach to assessment design. They will also support consistency across awarding organisations, while ensuring that each Apprenticeship Assessment is relevant to the Occupational Standard on which it is based.

We have revised the drafting of Purpose A and Purpose C following our policy consultation and are now seeking views on the new versions.

Proposal

Ofqual is proposing to put in place Condition AA6 (Apprenticeship Assessment Purposes) and associated requirements.

The proposed Condition requires an awarding organisation to ensure that each Apprenticeship Assessment it makes available or proposes to make available:

- meets the general purposes published by Ofqual for these qualifications on an ongoing basis, with priority of compliance given to the general purposes higher up the hierarchy (Purpose A, then Purpose B, then Purpose C) while ensuring compliance with all the purposes to the greatest extent possible
- has one or more specific purposes which are consistent with the general purposes

The associated requirements specify the purposes which an awarding organisation must meet in designing its Apprenticeship Assessment. The purposes, in priority order, are as follows:

Purpose A: Enabling the Learner to acquire the knowledge and skills

specified in the Occupational Standard, so that they can demonstrate occupational competence, at the appropriate level, in different but comparable contexts to those in which the knowledge and skills were acquired (for example, with a different employer)

Purpose B: Providing employers with reliable evidence of the Learner's attainment against the relevant knowledge and skills so they can have confidence that the learner has reached the expected performance standard and use the evidence to make employment decisions

Purpose C: Building the Learner's confidence in the workplace

Question 12

Do you have any comments on the drafting of the proposed Condition AA6 (Apprenticeship Assessment Purposes)?

Question 13

Do you have any comments on the drafting of the proposed purposes for Apprenticeship Assessment?

Question 14

Do you have any other comments on the drafting of the proposed requirements relating to the general purposes for Apprenticeship Assessments?

Condition AA7 (Content)

Ofqual has decided to require awarding organisations to explain how their Apprenticeship Assessments cover the knowledge and skills set out in the relevant Occupational Standard and to comply with any requirements contained in the relevant Assessment Plan in relation to how those knowledge and skills must be assessed.

This will ensure that Apprenticeship Assessments, both overall and in terms of their individual assessments, are designed to cover the knowledge and skills within an Occupational Standard.

Skills England's Assessment Plans will include assessment outcomes. They summarise the content of the Occupational Standard and the knowledge and skills statements are mapped to each outcome. Apprenticeship Assessments must be designed to cover all assessment outcomes. Skills England will identify the

mandatory knowledge and skills statements that must be assessed in every version of the assessment that is made available. The remaining knowledge and skills statements do not have to be assessed in every version of the assessment.

We have decided therefore to issue guidance in relation to the sampling of knowledge and skills statements to assist awarding organisations in complying with Ofqual's conditions and requirements when designing their Apprenticeship Assessments.

Proposal

Ofqual is proposing to put in place Condition AA7 (Content) and associated guidance related to assessment design and marking approach, to assist awarding organisations in complying with this Condition.

The proposed Condition will require an awarding organisation to:

- ensure appropriate coverage of the knowledge and skills set out in the relevant Occupational Standard published by Skills England
- design Apprenticeship Assessments that cover the Assessment Outcomes contained in the relevant Assessment Plan
- design Apprenticeship Assessments that comply with any requirements contained in the relevant Assessment Plan in relation to how the knowledge and skills set out in the Occupational Standard must be assessed

The draft guidance which we propose to issue in relation to this Condition is described in Part 2 of this consultation.

Question 15

Do you have any comments on the drafting of proposed Condition AA7 (Content)?

Condition AA8 (Standard setting)

As explained earlier in this consultation, Condition AA3 (Compliance with Assessment Plans) will require awarding organisations to comply with the grading scale and performance descriptors for a Pass grade (and any other grade) included in an Assessment Plan when designing their assessments and setting standards.

As we previously consulted on, Ofqual has decided to issue guidance in relation to setting standards. This will help to ensure that apprentices are measured to a consistent standard, between different versions of an assessment and over time,

in line with the grading scale and performance descriptors.

Proposal

Ofqual is proposing to put in place Condition AA8 (Standard setting) and associated guidance to assist awarding organisations in complying with this Condition.

The proposed Condition will require awarding organisations to:

- comply with any requirements, and have regard to any guidance, which may be published by Ofqual in relation to the promotion of consistency between the measurement of Learners' levels of attainment (grades) in Apprenticeship Assessments
- have regard to a range of qualitative and quantitative evidence that is appropriate to the design and delivery of the assessment when setting the specified levels of attainment (grades)

The draft guidance which we propose to issue in relation to this Condition is described in Part 2 of this consultation.

Question 16

Do you have any comments on the drafting of the proposed Condition AA8 (Standard setting)?

Condition AA9 (Apprenticeship Assessment Levels)

As mentioned earlier in this consultation, Ofqual has decided to disapply Condition E9 (Qualification and Component levels) which requires an awarding organisation to assign one or more levels to a qualification. This is because an Apprenticeship Assessment must be at the same level as the relevant Occupational Standard.

We have decided to introduce a bespoke condition which makes it clear that awarding organisations must ensure that the level assigned to an Apprenticeship Assessments is aligned to the relevant Occupational Standard.

Proposal

Ofqual is proposing to put in place Condition AA9 (Apprenticeship Assessment Levels).

The proposed Condition will require an awarding organisation to:

- ensure that the level assigned to an Apprenticeship Assessment is the same as the level of the relevant Occupational Standard
- review the level of an Apprenticeship Assessment following changes to the level of the relevant Occupational Standard

It will also require awarding organisations to protect the interests of apprentices in relation to any Apprenticeship Assessment where the level assigned is revised, and to set out in writing how they intend to do so.

Question 17

Do you have any comments on the drafting of the proposed Condition AA9 (Apprenticeship Assessment Levels)?

Part 2 – Guidance

Guidance on Condition AA3 (Compliance with Assessment Plans)

As explained in Part 1 of this consultation, Condition AA3 requires awarding organisations to comply with any requirements, and have regard to any guidance, contained in an Assessment Plan when designing and developing their Apprenticeship Assessments.

This guidance will assist awarding organisations in complying with Condition AA3 by setting out the factors they should consider in relation to Assessment Plans when designing and developing their Apprenticeship Assessments.

Proposal

The proposed guidance covers:

- meeting or going beyond the requirements of Assessment Plans
- conflicts between the Assessment Plan and Ofqual's General Conditions and Apprenticeship Assessment Qualification Level Conditions (QLCs)
- other relevant requirements and guidance
- changes to Occupational Standards and Assessment Plans

Question 18

Do you have any comments on the drafting of the proposed guidance on Condition AA3 (Compliance with Assessment Plans)?

Assessment design - Guidance on Condition AA5 (Assessment) and Condition AA7 (Content)

As explained in Part 1 of this consultation, Condition AA5 requires awarding organisations to comply with any requirements and have regard to any guidance which may be published by Ofqual in relation to the design and development of Apprenticeship Assessments. Condition AA7 requires awarding organisations to ensure their Apprenticeship Assessments assess the knowledge and skills set out in an Occupational Standard and comply with any requirements in relation to how the knowledge and skills must be assessed that are set out in an Assessment Plan.

In the new Assessment Plans for Apprenticeship Assessment, Skills England will specify a mandatory assessment method and the mandatory knowledge and skills to be assessed in every version of an assessment. The plans may also specify other assessment requirements related to marking or the timing of assessment.

Awarding organisations will need to build on the high-level requirements in an Assessment Plan to develop their overall assessment design for their Apprenticeship Assessment. For example, they will need to develop the detail of the mandated assessment method, decide on other assessment methods and determine their approach to sampling the knowledge and skills statements.

When making their design and delivery decisions, awarding organisations must consider how they will comply with Ofqual's regulations so that their Apprenticeship Assessments are valid and reliable qualifications that secure the confidence of employers and other Users.

This guidance will assist awarding organisations in taking assessment design decisions which are compliant with the General Conditions and Apprenticeship Assessment Conditions and requirements.

Proposal

The proposed guidance covers:

- setting the assessment, including the minimum aspects of an assessment an awarding organisation should specify
- assessment structure and synoptic assessment, including how awarding

organisations should determine the scope of synoptic assessment, how they may wish to describe the proportion of synoptic assessment, and how they may wish to manage the risk of inappropriate entry for synoptic assessment

- assessment methods, including factors for awarding organisations to consider in relation to different assessment methods it may wish to offer as part of an Apprenticeship Assessment
- optional tasks or assessment methods, including factors for awarding organisations to consider in relation to the transferability of occupational competence where it makes available optional tasks or a choice of assessment methods
- content coverage and sampling, including factors for awarding organisations to consider when determining any approach to sampling of knowledge and skills statements within the Occupational Standard
- adaptation of assessments, including factors for awarding organisations to consider when permitting Centres to adapt certain aspects of assessments so that the ability of apprentices to demonstrate occupational competence or achieve any of the specified levels of attainment is not restricted

In the guidance, we explain that approximately half of each apprenticeship assessment should be synoptic. While some variation is likely to be appropriate in a range of circumstances, a proportion significantly less than half should be regarded as exceptional and there should be a convincing rationale for any lower proportion of synoptic assessment by the awarding organisation.

An awarding organisation must be able to explain and justify its approach to assessment design, including the proportion of synoptic assessment, in its assessment strategy.

Question 19

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

Question 20

Do you have any comments on the drafting of the proposed guidance on assessment design?

Grading and standard setting - Guidance on Condition AA3 (Compliance with Assessment Plans) and Condition AA8 (Standard setting)

As explained in Part 1 of this consultation, Condition AA3 requires awarding organisations to comply with any requirements and have regard to any guidance

contained in an Assessment Plan when designing and developing their Apprenticeship Assessments, which includes any requirements and guidance relating to grading. Condition AA8 requires awarding organisations to comply with any requirements and have regard to any guidance which Ofqual may publish in relation to standard setting.

This guidance will assist awarding organisations in determining their approach to grading and standard setting so that they are compliant with Conditions AA3 and AA8 and set and maintain consistent standards for Apprenticeship Assessment.

Proposal

The proposed guidance covers:

- grading scales, including the factors to consider where a grading scale has not been specified
- standard setting, including the factors for awarding organisations to consider when setting standards for mark-based assessments and directly graded assessments

Question 21

Do you have any comments on the drafting of the proposed guidance on grading and standard setting?

Marking approach - Guidance on Condition AA5 (Assessment)

As explained in Part 1 of this consultation, Condition AA5 requires awarding organisations to comply with any requirements and have regard to any guidance which may be published by Ofqual in relation to the design and development of Apprenticeship Assessments. The proposed requirements state that an awarding organisation must mark some or all the assessments undertaken by an apprentice.

This guidance will assist awarding organisations in determining their marking approach so that they are compliant with Ofqual's General Conditions and Condition AA5 and all Apprenticeship Assessments are reliably assessed.

Proposal

The proposed guidance covers how awarding organisations may wish to:

- determine the proportion of the assessment that should be marked by the awarding organisation
- describe the proportion of marking by the awarding organisation
- manage risks related to Centre marking of assessments, including where awarding organisations may decide to design assessments which may be marked by the awarding organisation or by the Centre

In the guidance, we explain that approximately half of each apprenticeship assessment should be marked by the awarding organisation. While some variation is likely to be appropriate in a range of circumstances, a proportion significantly less than half should be regarded as exceptional and there should be a convincing rationale for any lower proportion of marking by the awarding organisation.

Where appropriate, awarding organisations should also consider any guidance issued by a sector body or employer group, as well as the approach to marking used by other awarding organisations.

An awarding organisation must be able to explain and justify its marking approach in its assessment strategy.

The guidance also reminds awarding organisations of their obligations under Condition H1.2, where there is material inconsistency in the level of demand between two or more optional tasks or assessment methods.

Question 22

Do you have any comments on the proposed description of the proportion of marking by the awarding organisation?

Question 23

Do you have any comments on the drafting of the proposed guidance on marking approach?

Guidance on Condition A4 (Conflicts of Interest) in relation to Apprenticeship Assessment

Condition A4 requires awarding organisations to take all reasonable steps to mitigate any Conflicts of Interest. Condition A4 also has associated guidance, which defines Conflict of Interest and explains the requirements that an awarding organisation must meet to comply with Condition A4.

Ofqual has decided to issue further guidance on managing conflicts of interest in

relation to Apprenticeship Assessments.

This guidance will assist awarding organisations in identifying, managing and mitigating conflicts of interest in relation to Apprenticeship Assessments so that they are compliant with Condition A4.

Proposal

The proposed guidance covers:

- adhering to relevant requirements and guidance in Assessment Plans and Occupational Standards
- ensuring assessments remain fit for purpose where a Conflict of Interest cannot be avoided
- managing both organisational and individual Conflicts of Interest
- separating delivery and assessment functions within the apprenticeship process
- avoiding reciprocal arrangements between organisations where possible
- ensuring scrutiny by another person where a personal interest in the result of the assessment exists
- strengthening scrutiny arrangements where Centres cannot provide independent oversight
- being alert to financial incentives that may affect the integrity of marking or assessment decisions

Question 24

Do you have any comments on the drafting of the proposed guidance on Condition A4 (Conflicts of Interest) in relation to Apprenticeship Assessment?

Guidance on Condition B3 (Notification to Ofqual of certain events) in relation to Apprenticeship Assessment

Condition B3 requires awarding organisations to promptly notify Ofqual when it has cause to believe that any event that occurs or is likely to occur which could have an Adverse Effect. There is currently no guidance on complying with Condition B3.

Ofqual has decided to issue guidance on notification of certain events to Ofqual in relation to Apprenticeship Assessments.

This guidance will assist awarding organisations in determining their approach to Apprenticeship Assessment design and managing any Adverse Effects arising from their design decisions so that they are compliant with Condition B3.

Proposal

The proposed guidance covers:

- which design option an awarding organisation should choose where it has a range available to it, all of which are capable of complying with the Assessment Plan, but some of which could lead to an Adverse Effect
- when an awarding organisation should contact Ofqual in relation to the uncovering of Adverse Effects in relation to Apprenticeship Assessments

Question 25

Do you have any comments on the drafting of the proposed guidance on Condition B3 (Notification to Ofqual of certain events) in relation to Apprenticeship Assessment?

Guidance on Condition C1 (Arrangements with third parties) in relation to Apprenticeship Assessment

Condition C1 specifies the arrangements and monitoring that an awarding organisation should put in place where it arranges for a third party to undertake on its behalf, any part of the development, delivery or award of a qualification that makes or proposes to make available. Condition C1 also has associated guidance, which includes positive and negative indicators of an awarding organisation's likelihood of complying with Condition C1.

Ofqual has decided to issue further guidance on arrangements with third parties in relation to the delivery of Apprenticeship Assessments.

This guidance will assist awarding organisations in determining how to manage relationships with third parties and the risks inherent in third party delivery of assessments so that they are compliant with Condition C1.

Proposal

The proposed guidance covers:

- factors for awarding organisations to consider in order to satisfy themselves that third parties have the capability to deliver assessments in line with Ofqual's Conditions
- monitoring of third parties in delivery and the taking of appropriate action where expectations have not been met

Question 26

Do you have any comments on the drafting of the proposed guidance on Condition C1 (Arrangements with third parties) in relation to Apprenticeship Assessment?

Guidance on Condition C2 (Arrangements with Centres) in relation to Apprenticeship Assessment

Condition C2 sets out Ofqual's expectations of awarding organisations where Centres undertake any part of the delivery of assessments on their behalf. Condition C2 also has associated guidance, which includes positive and negative indicators of an awarding organisation's likelihood of complying with Condition C2.

Ofqual has decided to issue further guidance on arrangements with Centres in relation to Apprenticeship Assessments.

This guidance will assist awarding organisations in determining when an organisation is a Centre for the purposes of Ofqual's regulation in the context of Apprenticeship Assessment.

Proposal

The proposed guidance covers arrangements with Centres in relation to:

- the delivery of the assessment
- the marking of the assessment

It also sets out the circumstances which are unlikely to meet Ofqual's definition of a Centre.

Question 27

Do you have any comments on the drafting of the proposed guidance on Condition C2 (Arrangements with Centres) in relation to Apprenticeship Assessment?

Employer Engagement - Guidance on Condition D3 (Reviewing approach) and Condition E1 (Qualifications having an objective and support) in relation to Apprenticeship Assessment

Condition D3 requires awarding organisations to keep under review their approaches to reviewing qualifications and to have due regard to available feedback and evidence in relation to the qualifications they offer. Condition D3 also has associated guidance, which includes positive and negative indicators of an awarding organisation's likelihood of complying with the Condition.

Condition E1 requires awarding organisations to ensure their qualifications meet their objectives, are beneficial to Learners and have sufficient support from Users. Condition E1 also has associated guidance, which includes positive and negative indicators of an awarding organisation's likelihood of complying with the Condition.

Ofqual has decided to issue further guidance on these Conditions in relation to Apprenticeship Assessment.

This guidance will assist awarding organisations in designing Apprenticeship Assessments that meet the needs of employers and fulfil their obligations under these General Conditions in relation to Users of qualifications.

Proposal

The proposed guidance sets out how an awarding organisation's approach to seeking and analysing feedback from employers, employer groups and professional bodies in relation to its Apprenticeship Assessments can help it to meet Ofqual's General Conditions. This may include engaging with employers in groups convened by Skills England.

The guidance covers engaging with employers when:

- designing an Apprenticeship Assessment
- reviewing an Apprenticeship Assessment

Question 28

Do you have any comments on the drafting of the proposed guidance on employer engagement?

Guidance on Condition E2 (Requirements on qualification titling) in relation to Apprenticeship Assessment

Condition E2 sets out Ofqual's requirements in relation to the titling of qualifications, including the need for awarding organisations to ensure that qualification titles included on the Ofqual Register reflect the knowledge, skills and understanding which will be assessed. Condition E2 also has associated guidance, which includes positive and negative indicators of an awarding organisation's likelihood of complying with the Condition.

Ofqual has decided to issue further guidance on titling in relation to Apprenticeship Assessments.

This guidance will assist awarding organisations in taking a consistent approach to titling so that apprentices, employers, Centres and other Users of qualifications are clear which Apprenticeship Assessment an individual is taking or has completed.

Proposal

The proposed guidance sets out the information for an awarding organisation to include in the title of an Apprenticeship Assessment to be compliant with Condition E2.1, along with relevant examples.

Question 29

Do you have any comments on the drafting of the proposed guidance on Condition E2 (Requirements on qualification titling) in relation to Apprenticeship Assessment?

Guidance on Condition E3 (Publication of a qualification specification) in relation to Apprenticeship Assessment

Condition E3 requires awarding organisations to publish a specification before making available a qualification and sets out expectations in relation to the contents of a specification. Condition E3 also has associated guidance, which includes positive and negative indicators of an awarding organisation's likelihood of complying with the Condition.

Ofqual has decided to issue further guidance on specifications in relation to Apprenticeship Assessments.

This guidance will assist awarding organisations in developing and publishing specifications for Apprenticeship Assessments that comply with Condition E3 and have all the information needed by Centres and other Users of qualifications when preparing an apprentice for their assessments.

Proposal

The proposed guidance covers how an awarding organisation should carry out its responsibilities under Condition E3.2 with respect to Apprenticeship Assessments, including:

- how an awarding organisation should utilise the relevant Occupational Standard and Assessment Plan when developing its specification, and where it may need to go beyond the information contained within these
- factors for an awarding organisation to consider about the publication of the specification for an Apprenticeship Assessment

Question 30

Do you have any comments on the drafting of the proposed guidance on Condition E3 (Publication of a qualification specification) in relation to Apprenticeship Assessment?

Guidance on Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a Centre) in relation to Apprenticeship Assessment

Condition H2 requires an awarding organisation to have in place clear and effective arrangements to undertake Centre Assessment Standards Scrutiny (CASS) where a Centre marks assessments on the awarding organisation's behalf. Condition H2 has associated requirements and associated guidance which includes positive and negative indicators of an awarding organisation's likelihood of complying with Condition H2.

Ofqual has decided to issue further guidance on CASS in relation to Apprenticeship Assessment.

This guidance will assist awarding organisations in determining the arrangements they need to put in place for the scrutiny of assessments and mitigation of any

risks involved in Centre marking so that they are compliant with Condition H2.

Proposal

The proposed guidance covers:

- the need for an awarding organisation to satisfy itself that any risks involved in Centre marking of any Apprenticeship Assessments have been sufficiently mitigated
- the need for an awarding organisation to have in place clear and effective arrangements for the scrutiny of assessments marked by Centres, including the ability to make any necessary adjustments to the Centre's marking
- the need for an awarding organisation to establish and maintain a CASS strategy where part of an Apprenticeship Assessment is marked by a Centre
- approaches which may assist an awarding organisation to meet its requirements under Condition H2

Question 31

Do you have any comments on the drafting of the proposed guidance on Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a Centre) in relation to Apprenticeship Assessment?

Guidance on Condition H6 (Issuing results) in relation to Apprenticeship Assessment

Condition H6 requires awarding organisations to issue results for all assessment and qualifications, in line with published dates or timescales, and to correct results where errors are discovered to be incorrect as a result of an appeals process. Condition H6 also has associated guidance on making changes to incorrect results.

Ofqual has decided to issue further guidance on the issuing of results for Apprenticeship Assessments.

This guidance will assist awarding organisations in providing clarity for Centres and apprentices about the status of the results that they issue for an Apprenticeship Assessment.

Proposal

The proposed guidance clarifies that results issued by an awarding organisation are not apprenticeship completion certificates and that responsibility for that certification lies with the Secretary of State.

Question 32

Do you have any comments on the drafting of the proposed guidance on Condition H6 (Issuing results) in relation to Apprenticeship Assessment?

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.

In the policy consultation for Apprenticeship Assessment, we set out the possible equality impacts on apprentices who share a protected characteristic arising from the proposals.

Ofqual identified a positive equality impact arising from the following proposals:

- requiring awarding organisations to develop Apprenticeship Assessments in line with the general purposes
- requiring awarding organisations to develop and keep under review an assessment strategy for each Apprenticeship Assessment they offer
- requiring awarding organisations to engage with employers when developing their Apprenticeship Assessments

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

Respondents were asked if there were any other equalities impacts (positive or negative) on apprentices who share a particular protected characteristic arising from the proposals.

The consultation also sought views on potential additional steps that Ofqual could take to mitigate potential negative impacts arising from the proposals, on students who share a particular protected characteristic.

In the decisions document published alongside this consultation, we have set out the additional equality impacts identified by respondents. These related to:

- increased flexibility in assessment, which some respondents felt would improve

accessibility, particularly for apprentices with disabilities, neurodivergence, or those from disadvantaged backgrounds, but which others warned could lead to inconsistent delivery and application of reasonable adjustments, which might disadvantage apprentices with learning difficulties and disabilities and those from disadvantaged backgrounds

- knowledge-based testing, which several respondents felt could negatively affect apprentices who would benefit from practical assessment approaches
- synoptic assessment, which was also highlighted as potentially problematic for neurodivergent apprentices and those with mental health challenges due to the increased cognitive demands of such assessments

We feel that the provisions in the General Conditions which require awarding organisations to consider their equality obligations, and the requirement for them to explain how they have done so in their assessment strategies, will ensure fairness for apprentices with protected characteristics.

As the proposed Conditions, requirements and guidance set out in this consultation are intended to implement the policy approach on which Ofqual previously consulted, we have not identified any additional equality impacts arising from our proposals beyond those which we identified in the policy consultation.

However, now that we have set out the detail of our regulations and guidance, and more information is available about the implementation of the changes from EPA, we welcome views on whether there are any further equality impacts not previously identified. If so, we welcome suggestions for how these might be mitigated through Ofqual's regulation of Apprenticeship Assessment.

Question 33

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 34

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

Ofqual has a duty under the Apprenticeship, Skills, Children and Learning Act

2009 to avoid introducing or maintaining unnecessary regulatory burden. We have considered the burden associated with these proposals and worked to ensure that our proposals are efficient, and any additional burden is necessary to meet our regulatory objectives. As part of this consultation, we seek your views on any additional impacts, including the scale of associated costs and any potential benefits. Your feedback will help us understand the overall effect of the proposals and explore options for mitigating costs where possible.

In the policy consultation for Apprenticeship Assessment, Ofqual acknowledged that some of the proposals may have a cost or resource impact for awarding organisations.

The consultation set out our assessment of the potential regulatory burden arising from our proposals in each area, as follows:

- purposes, where we identified a possible increase in regulatory burden on awarding organisations
- content, where we identified a possible increase in regulatory burden on awarding organisations
- assessment structure and synoptic assessment, where we identified a possible increase in regulatory burden on awarding organisations
- setting assessments, where we identified no additional regulatory burden on awarding organisations
- marking assessments, where we identified a possible increase in regulatory burden on awarding organisations
- assessment design, where we identified a possible positive regulatory impact
- grading and standard setting, where we identified a possible increase in regulatory burden on awarding organisations
- assessment strategies, where we identified a possible increase in regulatory burden on awarding organisations
- employer engagement, where we identified a possible increase in regulatory burden on awarding organisations
- disapplication of General Conditions, where we identified a possible positive regulatory impact
- carrying forward guidance in the current EPA regulatory framework, where we identified a possible positive regulatory impact
- transition arrangements, where we identified a possible increase in regulatory burden on awarding organisations

Respondents were asked if there were any regulatory impacts that had not been identified that could arise from the proposals, and if there were any additional steps that could be taken to minimise the regulatory impact of the proposals. Respondents were also asked if there were any costs, savings or other benefits associated with the proposals which had not been identified. We also asked whether we should consider any additional information when evaluating the costs

and benefits of the proposals.

In the decisions document published alongside this consultation, we have set out the impacts identified by respondents.

Respondents broadly agreed with Ofqual's identification of the main regulatory impacts arising from the proposals, particularly those linked to assessment design, Centre marking, and the introduction of Centre Assessment Standards Scrutiny.

While many respondents acknowledged that the longer-term regulatory burden may be comparable to the current EPA model, there was widespread concern about the short-term impact.

Many respondents anticipated short-term cost increases arising from the proposals, while some saw potential for long-term savings. Some respondents felt that some smaller and niche awarding organisations were at risk of exiting the market due to limited capacity to meet new requirements.

Some respondents said that they could not determine the extent of the regulatory impact or any cost saving or increases without further information about Ofqual's regulatory framework or the implementation of the reforms.

We have sought to minimise the increase in regulatory burden arising from our proposals where possible, including through the provision of guidance for awarding organisations to refer to when designing and developing their apprenticeship assessments. We consider however the Conditions, requirements and guidance that we intend to put in place are necessary to support the implementation of DfE's assessment principles.

As the Conditions, requirements and guidance covered by this consultation are largely implementing the policy approach upon which Ofqual previously consulted, we have not identified any additional regulatory impacts arising from the regulations beyond those which we identified in the policy consultation.

However, now that we have set out the detail of our regulations and guidance, and more information is available about the implementation of the changes from EPA, we welcome views on whether there are any further regulatory impacts not previously identified. If so, we welcome suggestions for how these might be mitigated through Ofqual's regulation of Apprenticeship Assessment.

Question 35

Are there any impacts of these proposals (individually or combined) that we have not identified? Please outline any additional costs or benefits that you foresee.

Question 36

For all identified impacts (including any additional ones), what do you expect

their scale to be? This could include the activities required, the level of resource commitment, financial outlay, or the nature and value of any benefits.

Question 37

Do you have any suggestions for reducing or mitigating the costs associated with these 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 awarding organisations' views of the impact of its regulatory requirements on innovation and to consider any revisions required in response.

In the policy consultation, we set out our view that the proposed regulatory framework will have a positive impact on innovation. Awarding organisations will be empowered to make design decisions, within certain constraints arising from Assessment Plans and our regulatory framework, where they are currently unable to do so because of the specificity of Assessment Plans. Respondents were asked if they had any comments on the impact of the regulatory framework on innovation.

In the decisions document published alongside this consultation, we have set out the impacts identified by respondents.

Respondents generally welcomed the increased flexibility in assessment design, suggesting it could encourage creativity and the development of more tailored, context-specific approaches. However, they suggested that this flexibility must be balanced with strong regulatory oversight to safeguard consistency, fairness for apprentices and public confidence.

We remain of the view that our revised regulatory framework will have a positive impact on the ability of awarding organisations to innovate in their assessment design and delivery of Apprenticeship Assessment. We recognise the risks that respondents have highlighted and will address through our ongoing regulation and monitoring.

As the Conditions, requirements and guidance covered by this consultation are largely implementing the policy approach upon which Ofqual previously consulted, we have not identified any additional impact on innovation arising from the regulations beyond those which we identified in the policy consultation.

We welcome views on any further impacts on innovation not previously identified, and any suggestions for how these might be mitigated through the regulatory framework for Apprenticeship Assessment, now that we have set out the detail of our regulations and guidance, and more information is available about the implementation of the changes.

Question 38

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: Privacy notice for consultations

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 seek to reach as broad a range of people and institutions as possible to inform our proposals. For us to monitor this, understand views of different groups and taking steps when reaching out to specific groups, we may ask for sensitive data such as ethnicity and disability to understand the effectiveness of our approach. However, it is optional to provide this information.

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 any part of your response remains confidential, we will not include your details (or your organisation's 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

You have the right to:

- be informed that your personal data is being processed by Ofqual
- access the information we hold about you
- request that we rectify any information about you that is incorrect
- request that data we hold about you are erased (there are certain conditions which apply to the erasure of personal data, depending on the purpose of processing – you will be informed if your request has been declined and the reason for this)
- restrict processing in certain circumstances

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. 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 consultation response, we will take full account of your reasons for requesting confidentiality 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 to be kept confidential, we are 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 produce and publish reports on our [GOV.UK Ofqual webpage](#), setting out an analysis of the consultation responses and decisions made as a result of that analysis. In the course of analysis, we will 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

Your response will be shared internally within Ofqual to analyse the responses and shape our policies and regulatory activity. We may also share your response with The Department for Education (DfE) and Skills England where the consultation is a joint consultation or part of work involving those organisations. We may share responses with them to ensure that our approaches align. If we share a response, where possible we will not include any personal data (if you have provided any). Where we have received an organisational response to a consultation, we will provide 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 will not share your information with any third parties for the purposes of direct marketing.

We use data processors who are third parties who provide elements of services for us. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will hold it securely and retain it for the period we instruct. 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.

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](#).

We may also publish an annex to the analysis listing all organisations that provided a non-confidential response, but this will not include personal names or other contact details.

Use of AI for consultation analysis

To support the analysis of consultation responses, we may use artificial intelligence (AI) tools, such as Microsoft Copilot. This is a secure AI tool, which uses a combination of large language models (LLMs) to assist in identifying themes, summarising feedback, and generating insights. This tool has appropriate safeguards in place that ensures the privacy and security of confidential responses. All personal and special category data will be robustly anonymised before analysis. Any use of AI is solely for enhancing the efficiency and quality of our consultation analysis and reporting. Copilot does not make decisions about individuals but supports human-led analysis and decision-making by providing summarised information and insights. All final outcomes and decisions arising from the consultation analysis are determined by humans.

Where AI tools are used to process personal data, this is done in accordance with the original purposes for which the data was provided and processed in accordance with this notice. Copilot has the same security, compliance, and privacy settings configured within Microsoft 365.

How long will we keep your personal data?

Unless otherwise stated, Ofqual will keep your personal data (if provided) for a period of 6 years after the consultation closing date.

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we rely upon the public task basis as set out in Article 6(1)(e) of UK GDPR 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, such as ethnicity and disability data, we process this in accordance with Article 9(2)(g) of UK GDPR where 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. If the request is particularly complex, 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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