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Consultation outcome

Regulatory framework for Apprenticeship Assessment – analysis and decisions

Updated 1 April 2026

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Background

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 occupational standards, set by Skills England, including through specific rules in relation to end-point assessment (EPA).

In February 2025, the Department for Education published its [Apprenticeship Assessment Principles](#), with ownership of these principles since passing to the Department for Work and Pensions (DWP). These Principles set out a range of changes to the current EPA approach to assessment. They are intended to apply to all apprenticeships, at all levels, including foundation apprenticeships.

Between June and August 2025, Ofqual consulted on its [proposed approach to regulating the new Apprenticeship Assessments](#). In December 2025, Ofqual announced its [decisions on its proposed regulatory approach](#), and published its consultation on the [proposed regulatory framework for Apprenticeship Assessment](#).

This document summarises the feedback to our second consultation and sets out the decisions we have made on the drafting of the regulatory framework for Apprenticeship Assessment.

Summary of decisions

Ofqual has decided to implement the regulatory framework for Apprenticeship Assessment largely as proposed. Where there are changes to the draft Conditions, requirements and guidance, this is explained below.

We will introduce the following [Conditions and requirements](#):

- 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 will introduce [guidance on the following Apprenticeship Assessment Qualification Level Conditions \(QLCs\)](#):

- 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 will 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)

Conditions, requirements and guidance where we have made changes

Condition AA1 – Interpretations and Definitions

In draft Condition AA1, we included draft definitions for Apprenticeship Assessment and End-Point Assessment so that it was clear to which assessments the new regulatory framework applied when it came into effect.

We have revised those definitions to provide the clarity sought by awarding organisations.

Condition AA4 – Assessment strategies

Draft Condition AA4 set out that awarding organisations must establish, maintain and keep under review an assessment strategy explaining how they intend to secure compliance with Ofqual's regulations. Part of the Condition, AA4.4 (c), required an awarding organisation to promptly notify Ofqual of any revisions made to its assessment strategy. Awarding organisations asked how and when this requirement would come into effect as Ofqual does not intend to review all awarding organisations' strategies.

We have removed Condition AA4.4 (c) to clarify that we will not require awarding organisations to notify us of changes to their assessment strategies.

Condition AA5: Assessment

Draft Condition AA5 (and the associated assessment requirements) stated that awarding organisations are required to set assessments, include synoptic assessment in their overall assessment design, and mark some of the assessments in the apprenticeship assessment.

Conditions AA5.2 and AA5.3 referred to Ofqual granting exemptions from meeting the assessment requirements. Respondents were unclear why this had been included. As we do not foresee permitting exemptions to the requirements that awarding organisations set assessments, include a proportion of synoptic assessment or mark a proportion of the assessments, we have removed these Conditions.

Condition AA9: Apprenticeship assessment levels

Draft Condition AA9 required awarding organisations to ensure that the level they assign to an Apprenticeship Assessment is aligned to the level of the relevant occupational standard. It also required awarding organisations to notify Ofqual where the level of an Apprenticeship Assessment changes and to protect the interests of apprentices in relation to any Apprenticeship Assessment where this occurs, setting out in writing how they intend to do so. Respondents questioned the scope of this Condition and felt that it did not reflect the awarding organisation's role and asked why we would not collect that information from Skills England. We have revised this

Condition and limited it to requiring awarding organisations to assign the level of the Apprenticeship Assessment to the level set out in the Assessment Plan and occupational standard.

Assessment design guidance: Guidance on Condition AA5 (Assessment) and Condition AA7 (Content) - in relation to sampling and synoptic assessment

We have made a minor change to the drafting of the guidance on sampling. Skills England permits sampling within and between knowledge and skills statements. We have clarified in the guidance that awarding organisations should not sample from the knowledge and skills statements in an occupational standard, if doing so would result in an Apprenticeship Assessment that would not comply with Ofqual's General Conditions or the regulatory framework for Apprenticeship Assessment.

We have also made a minor change to the guidance to clarify that awarding organisations should explain and justify in their assessment strategy if they are including a lower or higher proportion of synoptic assessment than about half.

Employer engagement: Guidance on Condition D3 (Reviewing approach) and Condition E1 (Qualifications having an objective and support)

We have made a minor change to the drafting of the guidance to make it clear we are not expecting employers to contribute to the technical design of assessments but that they could provide feedback in relation to the fitness for purpose, proportionality and manageability of the Apprenticeship Assessment.

Requests for additional guidance, case studies and examples

We have decided not to extend the scope of the guidance or to include case studies and examples. We consider that the guidance is already sufficiently comprehensive. Should the need for additional guidance become apparent once Apprenticeship Assessments are in delivery, we will consider whether it would be helpful to issue advice notes (non-statutory guidance to support compliance with Ofqual's regulations) to provide additional steers to awarding organisations.

Approach to analysis

[The consultation](#) consisted of 38 questions (including 6 questions on equality and regulatory impact assessments, and innovation) and was published on Ofqual's website. Respondents could answer as many or as few questions as they wished. All 38 questions were free text response. The questions are listed in Annex A.

Respondents to this consultation were self-selecting, so the sample of those that chose to reply cannot be considered as representative of any group. Efforts were made to engage as many interested parties as possible by holding several stakeholder webinar events, using social media, posting information on the Ofqual website, and via the Ofqual newsletter.

The consultation was divided into 2 parts:

- Part 1: Conditions and requirements for the proposed regulatory framework on Apprenticeship Assessment
- Part 2: Guidance for the proposed regulatory framework on Apprenticeship Assessment and specified General Conditions

Who responded

Ofqual's [consultation on the proposed regulatory framework for Apprenticeship Assessment](#) was open between 3 December 2025 and 11 February 2026.

Ofqual received 57 responses to its consultation.

All responses have been considered in the analysis. Not all respondents chose to answer all questions.

There were 47 official responses from organisations, which comprised:

- 27 awarding organisations, including 6 which offer EPA only
- 4 providers, including private training providers, schools, colleges, higher education institutions and local authorities
- 10 representative or interest groups
- one employer
- 5 organisations that did not identify with any of the categories above

Ofqual also received 10 personal responses, which comprised:

- 6 awarding organisation employees
- 3 consultants
- one employer

All but 2 respondents were based in England. One of the 2 exceptions was an organisation that stated it is based in the UK, Ireland and Overseas (EU and non-EU). The other was a personal response from an awarding organisation employee based in Kenya.

The full list of organisations that submitted responses can be viewed at Annex B.

Summary of feedback to the consultation

Respondents were in broad agreement with the overall structure and scope of the draft Conditions, requirements and guidance.

There were some requests for changes to the drafting of the Conditions, requirements and guidance to improve clarity. There were also requests for more detailed guidance, case studies and examples to help awarding organisations implement and interpret our rules and guidance consistently.

A significant theme in the feedback concerned the approach to sampling knowledge and skills statements set out by Skills England. Respondents questioned how sampling would operate in practice across occupational standards not originally designed with sampling in mind. They also questioned how it would be ensured that safety critical content was assessed, how awarding organisations' approach to sampling would be monitored and whether this would lead to inconsistency between awarding organisations.

Some respondents also sought greater clarity on several aspects of the framework, including in relation to synoptic assessment, grading (particularly the application of Distinction grades and associated risks of variation between awarding organisations), and standard setting processes, especially for organisations new to these requirements.

Although we were not consulting on a policy proposal to permit centre marking, which is a key aspect of the government's Apprenticeship Assessment Principles, some respondents highlighted implications for centres in doing so. These included the need to secure appropriate staff and to put in place new necessary arrangements to deliver and mark assessments. Some respondents also noted that moving away from the EPA assessment model could have substantial operational and financial consequences, particularly for smaller, niche, or EPA only awarding organisations.

Some respondents also disagreed with our previous policy decision to require awarding organisations to engage with employers during assessment design. They questioned the extent to which employers should be involved in assessment design, noting risks of duplication, employer burden, and uncertainty about the level of collaboration expected between awarding organisations.

Some respondents highlighted the potential for overlap between Ofqual's regulatory framework and the requirements of Skills England, and the risk that they might be contradictory. There were also requests for more consistent communications and messaging about the apprenticeship reforms across the system.

Analysis and decisions

Part 1 – Conditions and requirements

Condition AA1 (Interpretation and Definitions) (Questions 1 to 3)

What Ofqual proposed

We proposed to put in place Condition AA1 (Interpretation and Definitions).

The proposed Condition:

- set out how the Conditions and guidance should be interpreted as part of Ofqual's regulatory framework
- specified that the interpretation and definitions apply to Apprenticeship Assessment Qualification Level Conditions (QLCs)

It also clarified, among other aspects, 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.

Consultation feedback

Respondents were supportive of the proposal that if there is any inconsistency between an Apprenticeship Assessment QLC and any other General Conditions, awarding organisations must comply with the Apprenticeship Assessment QLCs.

Some respondents questioned whether the primacy of Ofqual's rules was sufficiently clearly expressed in the framework. They suggested illustrative examples would help awarding organisations understand how this would operate in practice.

Other respondents commented in general terms on the volume of material they will be required to navigate across the apprenticeship sector. They referenced here Ofqual's proposed new regulatory framework, the existing EPA rules and guidance and the guidance issued by Skills England and DWP. There were suggestions that clear signposting will be essential to ensure the system is navigable especially for new or smaller awarding organisations.

What Ofqual proposed

Interpretation

The proposed Condition AA1 clarified 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.

Consultation feedback

There was broad support for the proposal. Some respondents requested additional guidance and examples to support consistent decision making. There were comments about the need for common guidance on Reasonable Adjustment and Special Consideration across the relevant government bodies to ensure there was a consistent approach across the apprenticeship sector.

What Ofqual proposed

Definition of terms

We proposed to define the following terms used in these Conditions:

- Apprenticeship Assessment
- Assessment Plan
- End-Point Assessment
- Occupational Standard

Consultation feedback

Respondents were supportive of the drafting of Condition AA1. Some respondents asked for clearer definitions to ensure the Condition is widely understood and emphasised the need for consistent terminology and definitions across the relevant government bodies.

Others highlighted uncertainty about how to identify which version of an Assessment Plan would apply to apprentices at different stages of their training programme. This was linked to comments about transition arrangements and what impact this might have on apprentices currently undertaking a course of training leading to an End-Point Assessment.

Decision

We do not propose substantive changes to Condition AA1. We note the comments on the draft definitions provided and have developed clearer definitions for Apprenticeship Assessment and End-Point Assessment. There are no other changes to the Condition.

We note the feedback on Reasonable Adjustment and Special Consideration but the development of guidance on the application of Reasonable Adjustment and Special Consideration is outside the scope of this consultation.

We will continue to work with Skills England and DWP to ensure our approaches and guidance are as aligned as possible.

Regarding the question on transition arrangements, DWP has [issued guidance](#) on when apprentices should move from EPA to the new style assessment plans.

Condition AA2 (Disapplication of certain General Conditions of Recognition applying to Apprenticeship Assessments) (Question 4)

What Ofqual proposed

We proposed to put in place Condition AA2 to disapply certain General Conditions of Recognition.

We decided, in addition to the Conditions 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). This is because the level of an Apprenticeship Assessment must be the same as the level of the occupational standard.

The proposed Condition therefore disapplied 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)

Consultation feedback

There was support for the disapplication of the General Conditions of Recognition listed above for Apprenticeship Assessment. Respondents asked Ofqual to confirm whether Condition AA2 would apply to Mandatory Qualifications used within apprenticeships or whether Mandatory Qualifications would be subject to the General Conditions of Recognition in full.

Decision

We have decided to introduce Condition AA2 (Disapplication of certain General Conditions) as drafted in the consultation.

We can confirm that Ofqual will regulate Mandatory Qualifications, where used as the sole assessment of competence in an apprenticeship, through the General Conditions only, and in full.

Condition AA3 (Compliance with Assessment Plans) (Question 5)

What Ofqual proposed

We proposed 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 required an awarding organisation, in respect of each Apprenticeship Assessment 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 proposed 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.

Feedback on the associated guidance for this Condition is considered in Part 2 of this document.

Consultation feedback

Respondents were supportive of the drafting of the proposed Condition AA3 and the associated guidance, saying it would support comparability and consistency. There was agreement with the proposal to give priority to compliance with the General Conditions and Apprenticeship Assessment QLCs where an Assessment Plan conflicts with requirements in Ofqual's rules.

Some respondents commented that there could be a difference between awarding organisations in identifying and determining a conflict with Ofqual's rules and suggestions that examples or scenarios would support awarding organisations in complying with this Condition in a consistent way.

Several awarding organisations emphasised the need for steps to be taken from the outset to ensure that Assessment Plans do not conflict with Ofqual's General Conditions or Apprenticeship Assessment QLCs. They requested that Ofqual and Skills England work together on guidance that could support awarding organisations.

Decision

We will introduce Condition AA3 as drafted in the consultation.

We do not anticipate many occasions when there is an inconsistency between Skills England's Assessment Plans and Ofqual's regulations, as the new Assessment Plans will be less prescriptive than the existing EPA assessment plans. The purpose of this Condition is to ensure that, in a context where Assessment Plans are less prescriptive, awarding organisations make their assessment design and delivery decisions in a way that remains fully compliant with our Conditions, requirements and guidance. We will however clarify the process awarding organisations should follow when they do identify an inconsistency.

Condition AA4 (Assessment strategies) (Questions 6 to 8)

What Ofqual proposed

We proposed to put in place Condition AA4 (Assessment strategies) and associated requirements relating to assessment strategies.

The proposed Condition required 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

Consultation feedback

There was support for the proposed Condition with respondents commenting that in the context of the apprenticeship reforms, the requirement for assessment strategies would support the quality of Apprenticeship Assessment. Other respondents commented that this was a significant change for many awarding organisations and could add additional burden, particularly for EPA only awarding organisations.

There was a call from some awarding organisations as well as representative groups for Ofqual to take a stronger role in monitoring assessment strategies in the early stages of implementation of Apprenticeship Assessment, as this would ensure awarding organisations apply the requirement in a consistent manner.

Some respondents queried Condition AA.4(c) which required awarding organisations to promptly notify Ofqual of any revisions made to an assessment strategy. They asked for clarity on what would constitute a 'revision' in this context given that there would be no upfront evaluation of assessment strategies by Ofqual. There were concerns that the Condition could introduce undue burden into the system.

What Ofqual proposed

Scheme of assessment

We proposed to include a Scheme of Assessment in the requirements relating to assessment strategies. 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 thought that recording key information in this way would help awarding organisations to then go on to describe their assessment design and delivery decisions in their assessment strategy.

Consultation feedback

There was broad support for the proposal to include a Scheme of Assessment in the requirements for assessment strategies. Respondents agreed this would support awarding organisations in the development of their assessment strategies, enabling them to describe their assessment design and delivery decisions more effectively. A representative organisation welcomed the Scheme of Assessment noting that it would help awarding organisations to set out clearly how assessment methods, marking and quality assurance operated together.

Some respondents questioned whether they had to follow the format set out in the Scheme of Assessment table, finding it too prescriptive. There was also a comment about the response options provided in the table, which were considered not relevant to certain approaches to assessments. There was also concern about

burden. To mitigate these issues, respondents suggested Ofqual should provide illustrative examples of schemes of assessments across a range of occupational standards.

What Ofqual proposed

Requirements for Assessment strategies

In the draft associated requirement for Condition AA4, we set out both general requirements and detailed requirements for assessment strategies.

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

The detailed requirements listed the minimum aspects that an assessment strategy must cover. We asked respondents if they had any other comments on these requirements relating to assessment strategies.

Consultation feedback

Respondents requested more information on the level of detail that needed to be included in the strategy and asked for examples to be included. There were also questions about how assessment strategies would be evaluated by Ofqual.

There was also a request for the requirements to be more explicit in requiring awarding organisations to identify and mitigate risks, for example security breaches. There was also a call for more detailed guidance on employer engagement, particularly for apprenticeships in niche industries which traditionally attract small numbers of apprentices.

Decision

We will introduce Condition AA4 (Assessment strategies) as drafted in the consultation with one amendment.

This is to remove Condition AA4.4 (c) as we have decided we will not require awarding organisations to notify us of changes to their assessment strategy. We agree with respondents that, as we will not be routinely reviewing awarding organisations' Apprenticeship Assessments in advance of them going into delivery, there will be no starting point against which we will be reviewing any changes made by awarding organisations.

Regarding the Scheme of Assessment, we note the positive feedback and do not

propose to make changes to the Scheme of Assessment. We note the concerns raised about additional burden, but we believe that the Scheme of Assessment will provide a helpful structure for awarding organisations when developing their assessment strategy.

In relation to comments on the proposed wording of the table included in the Scheme of Assessment, we can clarify that awarding organisations may use alternative response options if more appropriate to their design.

The proposed guidance on employer engagement is considered in Part 2 of this document.

Condition AA5 (Assessment) (Questions 9 to 11)

What Ofqual proposed

We proposed to put in place Condition AA5 (Assessment) and associated requirements and guidance relating to assessment.

This Condition required 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 covered:

- 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 provided a definition of synoptic assessment.

Consultation feedback

Respondents were broadly supportive of the drafting of Condition AA5. They sought additional clarification on the circumstances in which an awarding organisation would need to apply for an exemption from the Condition, including whether exemptions could be sought from the requirement to include some synoptic assessment, with example scenarios proposed as a solution.

What Ofqual proposed

Definition of synoptic assessment

In the assessment requirements, we defined 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

We also provided further amplification of what we mean by 'integrated', 'appropriate' and 'substantial':

- '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, and
- '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.

Consultation feedback

Several respondents asked Ofqual to provide examples of how the definition of synoptic assessment could translate into assessment design for different occupational standards and assessment methods to provide further clarity. Some respondents also sought clarification as to whether a 'substantial proportion' of the occupational standard could vary across different occupational standards and assessment methods. There were also some requests for a clearer definition.

Although we were not consulting on a policy proposal to permit centre marking, which is a key aspect of the government's Apprenticeship Assessment Principles, some respondents highlighted implications for centres in doing so. These included the need to secure appropriate staff and to put in place the necessary arrangements to deliver and mark assessments. Some respondents also noted that moving away from the EPA assessment model could have substantial operational and financial consequences, particularly for smaller, niche, or EPA only awarding organisations.

Decision

We have amended Condition AA5 (Assessment) but will not make any changes to the draft assessment requirements associated with this condition.

Conditions AA5.2 and AA5.3 refer to Ofqual granting exemptions from meeting the assessment requirements. As we do not foresee circumstances in which we would remove the requirement for awarding organisations to set assessments, include synoptic assessment or mark some assessments, we propose to remove Condition AA5.2 and AA5.3 in the final version of the regulatory framework.

We do not propose to expand the definition of synoptic assessment. The definition has to apply across a diverse range of occupational standards and so cannot be more specific. We consider that it provides a sufficient foundation from which awarding organisations can develop their own approaches to synoptic assessment, tailored to the specific occupational standard.

In relation to the concerns expressed about centre marking, DWP's assessment principles permit the use of centre marking in Apprenticeship Assessments. There are safeguards throughout the regulatory framework to secure the reliability of assessments where centre marking is permitted, including through the associated guidance for Condition AA5 (Assessment) and the guidance for Condition C1 (Arrangements with third parties), Condition C2 (Arrangements with Centres) and Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a Centre).

Condition AA6 (Apprenticeship Assessment Purposes) (Questions 12 to 14)

What we proposed

We proposed to put in place Condition AA6 (Apprenticeship Assessment Purposes) and associated requirements.

The proposed Condition required 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

Consultation feedback

Respondents questioned who would decide whether an awarding organisation had met the purposes set out by Ofqual. There were also suggestions that the purposes should be referenced within Assessment Plans to ensure consistency across awarding organisations. There was also a comment that the term 'general purposes' should always be used instead of the term 'purposes' which could be confusing. We were also asked to provide examples to illustrate how the hierarchy of purposes should operate in assessment design decisions.

What Ofqual proposed

Drafting of the general purposes

We consulted on the wording of the general purposes, which were specified in the associated requirements for Condition AA6. We had made some changes to the drafting of Purposes A and C following our first consultation, as set out below. We also asked if respondents had any other comments on the requirements.

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 C: Building the Learner's confidence in the workplace

Consultation feedback

There was general agreement with the drafting of the proposed purposes, although some respondents repeated points made during our policy consultation.

In relation to Purpose A, respondents questioned whether 'acquiring' knowledge and skills is a function of assessment. They suggested that acquisition of knowledge and skills is a function of training, not assessment. We were also asked to clarify the reference to 'different but comparable contexts', with comments that it could prove difficult in some sectors to prove this given the uniqueness of different workplaces.

Several respondents provided comments in relation to Purpose C. These

respondents questioned whether building confidence is a function of assessment, with some suggesting it is a function of training or the apprenticeship as a whole. Some respondents also questioned how achievement of Purpose C could be measured. Other respondents suggested the purpose statement should be amended to refer to confirming, rather than building, confidence.

Some respondents took the opportunity to comment on Purpose B, although the drafting had not been changed from our policy consultation, asking how the assessment can provide 'reliable evidence' of attainment when only a sample of the occupational standard may be assessed in the Apprenticeship Assessment.

Some respondents asked for further clarity on what the purpose statements meant in practice. They suggested clearer definitions of the purpose statements, including guidance and worked examples, were needed in order to help awarding organisations to understand what the purposes meant. It was suggested that Ofqual produce positive and negative indicators within guidance to ensure consistent interpretation and remove any risk of over-or under-emphasis on particular purposes.

Decision

We will introduce Condition AA6 (Apprenticeship Assessment Purposes) and the associated requirements as drafted in the consultation. We do not propose to make any changes to the wording of the general purposes included in the assessment requirements. The prioritisation of the general purposes remains Purpose A, then Purpose B, then Purpose C. This will apply to all Apprenticeship Assessment across all occupational standards.

Where Ofqual introduces Qualification Level Conditions, we specify the general purposes so that qualifications and assessments are designed with the same clear purposes in mind. The general purposes in our regulatory framework should therefore steer awarding organisations' decisions about how to cover the knowledge and skills in the occupational standard, how to meet the requirements in the Apprenticeship Assessment Plan and their approach to design, delivery and awarding.

Purpose A states that the acquisition of knowledge and skills leads to the demonstration of occupational competence assessed by the awarding organisation. The reference to different but comparable contexts is there to set the expectation that apprentices are assessed on the transferable occupational skills set out in the occupational standard.

We do not consider that Purpose B conflicts with the sampling policy adopted by Skills England. Awarding organisations must ensure their Apprenticeship Assessment provides employers with reliable evidence of the apprentice's attainment and that they have met the expected performance standard. This should inform their approach to sampling.

Purpose C is intended to steer awarding organisations to build the confidence of apprentices by designing assessments that are relevant to the workplace, the job role and the relevant occupational standard.

Awarding organisations will be expected to explain in their assessment strategies how they have addressed the general purposes for Apprenticeship Assessment.

Condition AA7 (Content) (Question 15)

What Ofqual proposed

We proposed 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 required 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 feedback on the associated guidance is considered in Part 2 of this document.

Consultation feedback

Respondents mainly commented on the potential misalignment between Ofqual's Condition AA7 and Skills England's proposed approach to sampling. Respondents expressed concern about how sampling was being defined by DWP and how it would apply in practice. Several respondents requested worked examples from Ofqual to demonstrate how sampling of content would work within different occupational standards.

Respondents also expressed concern that differing interpretations of sampling could lead to inconsistent levels of demand across awarding organisations and asked how Ofqual would monitor awarding organisations' sampling approaches.

Decision

We will introduce Condition AA7 (Content) as drafted in the consultation. We will expect awarding organisations to justify their approach to the coverage of knowledge and skills from the relevant occupational standard in their assessment strategy. This will include the approach to sampling.

We do not intend to routinely review assessment strategies before the new Apprenticeship Assessments are in delivery. As part of our monitoring we will, however, be able to review awarding organisation assessment strategies and assessments to ensure awarding organisations have implemented sampling in a way that complies with our assessment requirements.

Condition AA8 (Standard setting) (Question 16)

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

The proposed Condition required 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)

Feedback on the associated guidance is considered in Part 2 of this document.

Consultation feedback

Most respondents agreed with the intention behind Condition AA8, but some asked for further clarity.

Some of the wording in the Condition was seen as unclear, such as “appropriate evidence” and “a range of evidence” where it was felt that our minimum expectations were unclear.

Some respondents asked for greater clarity on how standard setting requirements linked to other design considerations such as sampling, synoptic assessment and grading.

There was also a request for greater clarity on how Condition AA8 should apply where cohorts are small or where assessments are highly integrated, and quantitative evidence is limited as a result.

Some respondents also commented on the risk of inconsistency in how awarding organisations determined Distinction grades.

Decision

We will introduce Condition AA8 (Standard setting) as drafted in the consultation.

Awarding organisations will be expected to develop standard setting approaches which reflect their design and delivery decisions. We recognise that some awarding organisations may be less familiar with the full qualification design and delivery process, including standard setting, which is why we developed the guidance on standard setting to assist them in complying with this Condition.

We have considered the risk of inconsistency between awarding organisations and of competition between awarding organisations on the number of higher grades awarded. Our ongoing monitoring will enable us to identify where awarding organisations may be setting standards incorrectly and to take appropriate action.

Condition AA9 (Apprenticeship Assessment Levels) (Question 17)

What Ofqual proposed

We proposed to put in place Condition AA9 (Apprenticeship Assessment Levels).

The proposed Condition required 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.

Consultation feedback

Many respondents questioned the scope of this Condition, commenting that they are not responsible for determining the level of the occupational standard or the apprenticeship itself. They saw their role as aligning their Apprenticeship Assessment to the level set out in the occupational standard, rather than assigning, reviewing or owning levels. Respondents argued that, because Skills England is responsible for setting and updating occupational standard levels, it would be more efficient and accurate for Skills England to notify Ofqual (and relevant awarding organisations) directly, rather than requiring each awarding organisation to notify Ofqual of changes that originate elsewhere.

Decision

We have amended Condition AA9 (Apprenticeship Assessment Levels). This now limits the Condition to requiring awarding organisations to assign the level of the Apprenticeship Assessment to the level set out in the Assessment Plan and occupational standard.

Part 2 – Guidance

Guidance on Condition AA3 (Compliance with Assessment Plans) (Question 18)

What Ofqual proposed

The draft guidance covered:

- 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

Consultation feedback

Some respondents suggested including clearer subheadings, flow diagrams and examples to improve the accessibility and navigability of the guidance.

There were requests for more guidance on transition arrangements when Assessment Plans are updated or revised.

There was concern, in the context of the reforms, about the volume of guidance from different bodies that awarding organisations might need to follow and the challenge in assessing the status of those. It was suggested more direction from Ofqual would be helpful to awarding organisations in determining the weight of different forms of guidance outside of those provided by Skills England and Ofqual.

Decision

We will introduce the guidance on compliance with Assessment Plans as drafted in the consultation.

Skills England's General Requirements and DWP's guidance on changes to apprenticeship assessment are both being updated and will provide further clarification on implementation timelines and transition arrangements for apprentices when new Assessment Plans are introduced.

Assessment design – Guidance on Condition AA5 (Assessment) and Condition AA7 (Content) (Questions 19 to 20)

What Ofqual proposed

Proportion of synoptic assessment

In the draft guidance, we explained that approximately half of each apprenticeship

assessment should be synoptic. While some variation is likely to be appropriate in a range of circumstances, we said that 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.

We said that 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.

Consultation feedback

A small number of respondents provided feedback on the proposed approach to determining the proportion of synoptic assessment stating that:

- more clarity was needed on how to calculate the proportion of synoptic assessment
- there was a risk that the proportion of synoptic assessment will vary by assessment method and by awarding organisation
- greater clarity was needed on what counts as synoptic assessment to guide consistent decisions
- it was not clear how synoptic assessment interacts with centre marking and its practicality in certain occupational settings (as not all centres will have resources needed to deliver some assessments)
- more detailed examples were needed showing synoptic approaches across different assessment types
- clarification was sought on whether safety critical content can be assessed in isolation, rather than in an integrated way, if necessary

What Ofqual proposed

Assessment design

The draft guidance covered:

- 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

Consultation feedback

Many respondents included comments that referred to Skills England's policy around sampling of knowledge and skills, which is not within Ofqual's remit. But we also received some feedback that Ofqual's guidance on sampling was not sufficiently clear and needed clearer boundaries and examples.

We also received some feedback on the rest of the guidance but that was mainly in relation to DWP's assessment principles and the move away from highly prescriptive assessment plans. Respondents said there was a risk that unclear expectations could result in significant variations in assessment design between awarding organisations. It was felt further consideration was needed on how to balance flexibility with maintaining comparability where awarding organisations took different approaches.

We were also asked how adaptations made at centre level should be controlled to avoid varying levels of demand.

Decision

We will introduce the guidance on assessment design largely as drafted in the consultation, with amendments to the section on synoptic assessment and sampling.

In relation to the proportion of synoptic assessment, we do not propose to provide further guidance on the proportion of synoptic assessment or on the way the

proportion may be determined. We think that describing the proportion of synoptic assessment as about half of the assessment gives awarding organisations flexibility in the way they determine the proportion of synoptic assessment. We think it is the right approach, given the diversity of occupational standards and the greater autonomy that awarding organisations will have in assessment design. A more prescriptive approach might not be suitable for all occupational standards and assessment design approaches.

Awarding organisations will be required to explain and justify their approach to assessment design, including synoptic assessment, in their assessment strategy. We have clarified in the guidance that awarding organisations should explain when they are using a lower or higher proportion of synoptic assessment than about half. Ofqual will be able to use those assessment strategies as part of our monitoring of apprenticeship assessment in delivery to check how awarding organisations are complying with our Conditions, requirements and guidance.

We have made a minor change to the drafting of the guidance on sampling to make it clear that awarding organisations should not sample from the knowledge and skills statements in an occupational standard, where this would result in an assessment that would not comply with Ofqual's General Conditions or the regulatory framework for Apprenticeship Assessment.

We will expect awarding organisations to justify their approach to the coverage of knowledge and skills from the relevant occupational standard in their assessment strategy. This will include their approach to sampling. As part of our monitoring we will, however, be able to review awarding organisation assessment strategies and assessments to ensure awarding organisations have implemented sampling in a way that complies with our assessment requirements.

We will continue to work with Skills England colleagues so that there is clarity regarding sampling.

In relation to centre adaptation of assessments, we are clear in Condition AA5 that adaptations should not lead to variation in demand and, in the guidance, we set out the steps that awarding organisations should consider to be compliant with this Condition.

Grading and standard setting – Guidance on Condition AA3 (Compliance with Assessment Plans)

and Condition AA8 (Standard setting) (Question 21)

What Ofqual proposed

The draft guidance covered:

- 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

Consultation feedback

There was broad support for the guidance with respondents noting that it would support consistency across the apprenticeship sector and provide a helpful structure for awarding organisations to follow.

On standard setting, many respondents suggested there was a need for more detailed guidance as many EPA-only awarding organisations especially would have limited experience and expertise in standard setting. Case studies and advice notes on standard setting methodologies were cited as helpful additions to the guidance.

In relation to grading scales, several awarding organisations and representative groups noted it would be challenging for awarding organisations to take account of the grading scales used by other organisations for the same occupational standard as set out in the guidance.

Most of the responses related to issues that lie within Skills England's remit, particularly with regard to Distinction grades. There were concerns that without clear guidance, inconsistent approaches could arise. There were also comments on resits and retakes, with respondents highlighting that there appeared to be a significant change from the previous system, where resits could not take place for the sole purpose of increasing a grade.

Decision

We will introduce the guidance on standard setting as drafted in the consultation.

As highlighted earlier, we accept that some awarding organisations that are less familiar with the full qualification design and delivery process may have limited experience in developing standard setting approaches. We consider, however, that the draft guidance provides sufficient steers at this point for awarding organisations

to support compliance with Condition AA8.

In relation to concerns about inconsistent approaches to Distinction grades, as is the case now, our ongoing monitoring will enable us to identify where awarding organisations may be setting standards incorrectly and to take appropriate action.

Marking approach – Guidance on Condition AA5 (Assessment) (Questions 22 to 23)

What Ofqual proposed

Proportion of assessment marked by the awarding organisation

In the draft guidance, we explained that approximately half of each apprenticeship assessment should be marked by the awarding organisation. We said that 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. Awarding organisations would also be expected to explain and justify their marking approach in their assessment strategy.

Consultation feedback

Respondents largely supported the guidance on the proportion of marking, welcoming the clarification that awarding organisations should mark a substantial proportion of the assessment.

Some respondents wanted confirmation that 100% marking by awarding organisations was still permissible.

What Ofqual proposed

How to determine the proportion of marking by the awarding organisation

The draft guidance on marking approach also covered 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

Consultation feedback

Most respondents supported the drafting of the guidance, noting it reinforces the need for awarding organisations to justify their marking approach within the assessment strategy. Some respondents called for clearer definitions and for examples to be included in this section of the guidance.

Some respondents expressed concerns that awarding organisations could take different approaches to determining the proportion of centre marking, which would not support consistency between awarding organisations.

Issues were again raised around the requirement to consider approaches taken by other awarding organisations, with respondents restating concerns about fairness as awarding organisations would arrive at the developmental stage of their Apprenticeship Assessments at different times.

The guidance on assessors was seen as helpful by some respondents while others suggested examples would be useful in this context. Other respondents were concerned about the responsibility for training assessors and wanted this training to be consistent across awarding organisations to ensure standards are maintained.

Some respondents also expressed wider concerns about the use of centre marking and whether centres would have the capacity and capability to mark assessments. There were also requests for more information around managing Conflicts of Interest, where this was permitted, and on ensuring safeguards around centre marking.

Decision

We will introduce the guidance on marking approach as drafted in the consultation.

Awarding organisations must be able to assure themselves that any centres they work with have appropriate arrangements in place to deliver and mark assessments. Awarding organisations must also ensure consistency of marking and take action where marking is not consistent. It is the responsibility of the awarding organisation to ensure assessors are trained, whether they work in centres or are employed directly by the awarding organisation.

In addition to the guidance on Condition AA5, we have developed a range of other guidance to manage risks related to centre marking in the context of Apprenticeship Assessment. This includes the guidance in relation to General Conditions A4

(Conflicts of Interest), C1 (Arrangements with third parties), C2 (Arrangements with Centres) and H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a Centre).

As with synoptic assessment, we think that we need to permit awarding organisations to take different approaches to deciding the proportion of centre marking, to accommodate the differences in occupational standards and assessment approaches. Awarding organisations will have to explain their assessment design and delivery decisions in their assessment strategy, and we will be able to hold them to account for their decisions.

Guidance on Condition A4 (Conflicts of Interest) (Question 24)

The draft guidance covered:

- 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

Consultation feedback

Some respondents thought the term 'personal interest' should be replaced with 'professional interest'. They thought this more accurately reflected relationships between a training provider or employer and the apprentice, while ensuring that mitigation strategies are targeted at professional bias.

There were mixed views on whether the guidance adequately expressed the

separation of the delivery and assessment functions within the apprenticeship process. A significant number of respondents thought the guidance was clear on this point, however a few thought the guidance was ambiguous on whether a person delivering training could carry out assessment.

Decision

We will introduce the guidance on Conflicts of Interest as drafted in the consultation. We think the guidance adequately addresses the need to ensure the delivery of the apprenticeship training programme is kept sufficiently separate from the assessment process.

We note the feedback that we should define 'personal interest in the result of an assessment' more clearly and perhaps use a different term, such as 'professional interest'. This terminology is drawn from the General Conditions, specifically Conditions A4.5 and A4.6, rather than the guidance on which we consulted, and we are therefore not proposing to change the term.

Guidance on Condition B3 (Notification to Ofqual of certain events) (Question 25)

The draft guidance covered:

- 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 identification of Adverse Effects in relation to Apprenticeship Assessments

Consultation feedback

The most common response to this question was that the proposed guidance provided useful clarification and was both appropriate and sufficient.

A few respondents thought the guidance would benefit from including high-level examples of what constitutes an Adverse Effect in relation to Apprenticeship Assessment.

Decision

We will introduce the guidance on notification to Ofqual of certain events as drafted in the consultation.

Guidance on Condition C1 (Arrangements with third parties) (Question 26)

The draft guidance covered:

- 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

Consultation feedback

Most respondents were content with the guidance as drafted, stating that it provided helpful clarification. There was a comment that there should be reference to sub-contracting by awarding organisations in the guidance.

Decision

We will introduce the guidance on arrangement with third parties as drafted in the consultation. There is existing guidance on Condition C1, which includes reference to awarding organisation subcontractors.

Guidance on Condition C2 (Arrangements with Centres) (Question 27)

The draft guidance covered 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.

Consultation feedback

Most respondents said the guidance provided useful clarification. There were a small number of comments that the definition of a Centre needed to be clearer.

Decision

We will introduce the draft guidance on arrangements with centres as consulted on.

In the guidance, we have clarified the definition of a Centre in the context of Apprenticeship Assessment, providing examples of when an organisation is functioning as a Centre. We have also set out circumstances that are unlikely to meet the definition of a Centre.

Employer engagement - Guidance on Condition D3 (Reviewing approach) and Condition E1 (Qualifications having an objective and support) in relation to Apprenticeship Assessment (Question 28)

What Ofqual proposed

The draft guidance set 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 could 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

Consultation feedback

Awarding organisations questioned the need to engage with employers, particularly as part of assessment design, highlighting the risks of duplication with Skills England's expert groups (previously called Trailblazer groups), employer overload if approached by multiple awarding organisations at different times and employers not being assessment experts.

Some respondents wanted Ofqual to be more specific about exactly how many employers they were expected to engage with and in some cases wanted more detailed guidance. They questioned the expectation that awarding organisations should seek to align approaches with other awarding organisations. Respondents also commented that the requirement could add considerable burden on employers.

A small number of respondents noted that the guidance was appropriate as it recognised the central role of employers in ensuring that Apprenticeship Assessment remains relevant and fit for purpose.

Decision

We will introduce the guidance on employer engagement largely as we consulted on, with a minor change to the drafting to make it clearer that we are not expecting employers to contribute to the technical design of assessments.

We do not, however, propose to expand the guidance or to set out more detailed expectations. We do not think it is feasible or necessary to try to quantify the number of employers that awarding organisations should engage with. That can only be determined by the individual awarding organisation in the context of the specific occupational standard. We explain in the guidance that engaging with existing employer groups can form part of the employer engagement process.

We remain of the view that it is critical for awarding organisations to engage with employers to ensure their Apprenticeship Assessments are manageable and reflect genuine workplace expectations so that employers can have confidence in the results. Engagement with employers will be important to help them understand how well apprentices who have passed their assessments are meeting employers' skills needs in practice.

Guidance on Condition E2 (Requirements on qualification titling) (Question 29)

The draft guidance covered 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

Consultation feedback

Most respondents commented that the guidance was helpful.

A few awarding organisations that responded positively to the guidance wanted further clarity on how endorsements should be used, what they represent, and how they should appear in the title which, it was argued, would help ensure consistency across awarding organisations.

Decision

We will introduce the guidance on titling as drafted in the consultation.

In response to the questions raised about endorsements, this is already illustrated in the guidance.

[AO name] Level 2 Apprenticeship Assessment for ST0072 Customer Service Practitioner [endorsements if applicable]

[AO name] Level 2 Foundation Apprenticeship Assessment for FA002 Finishing Trades [endorsements if applicable]

We do not intend to specify when or how awarding organisations should use

endorsements, however.

Guidance on Condition E3 (Publication of a qualification specification) in relation to Apprenticeship Assessment (Question 30)

What Ofqual proposed

The draft guidance covered 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

Consultation feedback

Most respondents said the proposed guidance provided useful clarification.

Some respondents asked whether they could link to relevant data in other documents, such as an occupational standard or Assessment Plan, rather than duplicating sizeable amounts of data – that could be subject to change – in their qualification specifications. It was argued that this approach would reduce burden on awarding organisations to have to update their specifications each time a minor amendment was made to the knowledge and skills elements in Skills England's documentation.

Decision

We will introduce the guidance on publication of a qualification specification as drafted in the consultation.

As we have explained in the guidance, it will not be sufficient to simply point to where the relevant occupational standard and Assessment Plan can be located. We expect an awarding organisation to extract any relevant information from the Occupational Standard and Assessment Plan to include within its specification. They may do that

by linking to specific parts of the occupational standard or Assessment Plan rather than reproducing them, however.

Guidance on Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a Centre) in relation to apprenticeship assessment (Question 31)

What Ofqual proposed

The draft guidance covered:

- 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 Centre Assessment Standard Scrutiny (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

Consultation feedback

Most respondents were content with the drafting of the guidance. We were asked to clarify how Ofqual would monitor and enforce awarding organisations' CASS strategies.

Decision

We will introduce the guidance on CASS as drafted in the consultation. Awarding organisations' CASS strategies will be subject to review as part of our ongoing monitoring activities for Apprenticeship Assessments.

Guidance on Condition H6 (Issuing results) (Question 32)

What Ofqual proposed

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

Consultation feedback

Most respondents indicated they were content with the guidance as drafted.

A few respondents questioned whether the use of the term ‘may’ – when referring to the part of the proposed guidance that says that “an awarding organisation may submit results to the relevant government or agency” – was too vague, with the proposed guidance suggesting this was optional. These respondents suggested using the wording from the EPA guidance instead, which states that “we expect an awarding organisation to issue results”.

Decision

We will introduce the guidance on issuing results as consulted on, with a very minor change to replace ‘may’ with ‘should’.

Impact assessments

Equality impact assessment (Questions 33 and 34)

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

As the proposed Conditions, requirements and guidance we consulted on were intended to implement the policy approach on which Ofqual previously consulted, we did not identify any additional equality impacts beyond those we identified in our first policy consultation.

We did, however, ask respondents if there are any further potential equality impacts (positive or negative) on apprentices who share a particular protected characteristic or are from a lower socio-economic background that had not been previously identified.

We also asked what steps 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 socio-economic background.

Consultation feedback

The views expressed were similar to the responses received during the policy consultation. They mainly related to both the potential positive and negative impacts brought about by increased flexibility in assessment. For example, some thought that synoptic assessment would reduce the risk of discrimination as the assessment form is well established, whereas others considered that synoptic assessment could disadvantage students with special educational needs and disabilities. This was because it was felt that synoptic assessment placed more cognitive demands on neurodivergent apprentices.

Some respondents asked for more specific guidance on the application of Reasonable Adjustment or Special Consideration, particularly for synoptic assessment since consistent application was seen as important to mitigate any disadvantage.

There was also concern that the absence of a standardised policy approach to resits and retakes could disadvantage apprentices as this would lead to variation between awarding organisations. It was suggested this could be particularly true for apprenticeships with a Distinction grade.

Respondents said the most important step Ofqual could take to mitigate any potential negative equality impacts was to actively monitor the introduction of the new Apprenticeship Assessments and the implementation of the new regulatory framework, and to tackle any negative impacts that are seen to arise.

Decision

As we highlighted in our response to the policy consultation, awarding organisations are expected to consider their equalities obligations under the General Conditions. Condition D2 requires awarding organisations to ensure qualifications are designed

to be as accessible as possible to Learners, including those with protected characteristics. Condition G1 requires assessments to be fit for purpose and not to discriminate between Learners based on factors other than the knowledge, skills and understanding being measured. Condition G6 sets out expectations for the provision of Reasonable Adjustment.

We consider that these provisions in the General Conditions will ensure fairness for apprentices with protected characteristics. Regarding the comment on additional guidance, it is outside Ofqual's remit to issue specific examples on how awarding organisations should apply Reasonable Adjustment or Special Consideration.

We note the equality impacts highlighted around resits and retakes and the impact this might have on outcomes and grades. As is the case now, our ongoing monitoring will enable us to identify where awarding organisations may be setting standards incorrectly and to take appropriate action.

We also intend to monitor the impact of the regulatory framework in delivery and will issue clarifications and take action where necessary.

Regulatory impact assessment (Questions 35, 36 and 37)

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 our proposals are efficient, and any additional burden is necessary to meet our regulatory objectives. As part of this consultation, we sought views on any additional impacts, including the scale of associated costs and any potential benefits.

In the policy consultation for Apprenticeship Assessment, Ofqual acknowledged that some of the proposals may have a cost or resource impact for awarding organisations but we considered them to be proportionate.

We requested views on whether there were any additional impacts that had not been previously identified, and if so, asked about the scale of identified impacts including activities required, level of resource commitment, financial outlay or the nature and value of any benefits. We also asked respondents if they had any suggestions for reducing or mitigating any costs.

Consultation feedback

Most of the responses confirmed the regulatory impacts considered as part of the policy consultation. Most comments related to additional costs incurred, operational impacts, and the cumulative burdens placed on awarding organisations resulting from DWP's apprenticeship assessment principles and the move away from EPA, and wider government reform. These are summarised below.

- Awarding organisations would incur significant development costs and there would be additional cost of maintaining the current EPA model in combination with running the new assessment model in the transition period.
- The financial and regulatory burden would disproportionately impact the smaller volume sectors, which are generally serviced by smaller and more niche awarding organisations.
- The move to centre marking would increase costs rather than reduce costs mainly due to the quality assurance arrangements that awarding organisations would need to put in place to assure centre marking.
- Transitioning to the new Apprenticeship Assessment arrangements would result in awarding organisations incurring additional administrative, personnel and training costs.
- The volume of change, particularly for the construction and built environment sector (in terms of adapting to new Assessment Plans), would have a knock-on effect on awarding organisations' priorities and resources
- Managing multiple reforms across the post-16 technical and vocational sector, often to the same or very similar timelines over the next 5 or so years, would also impact awarding organisations' resources and priorities.

Most awarding organisations said the scale of impact would be significant and substantial for smaller and more niche awarding organisations. It was suggested the reforms would add additional complexity, fundamentally altering how awarding organisations operated in the sector.

Most respondents noted both the short and long-term financial impacts that would be incurred by implementing the new regulatory framework. In the short-term, concerns were raised about the cost of running 2 systems of assessment, and in the long-term respondents thought that quality assurance activities, brought about by assessment flexibilities, would be the primary driver for increasing cost pressures. It was estimated by an EPA-only awarding organisation that it would need to invest about 25% of its revenue to deliver Apprenticeship Assessment at the same scale as EPA. Over half of the representative bodies that responded to this question suggested smaller and more niche training providers could be at risk of exiting the market.

Respondents suggested some ways that could help to reduce costs. Some respondents suggested that allowing a more reasonable and proportionate timeframe to implement the changes would go some way to help reduce costs. Some awarding organisations suggested that a predictable publication schedule for the revision of Assessment Plans would allow awarding organisations and providers sufficient time to prepare.

The need for clear, consistent and co-ordinated communications across the apprenticeship sector was also highlighted by respondents. It was stated that Skills England, DWP and Ofqual all have a role to play in making this happen.

Decision

We acknowledge the reforms to the assessment of apprenticeships will impose new demands on awarding organisations, in particular smaller awarding organisations offering EPA only. Ofqual's regulatory framework for Apprenticeship Assessment is designed to be proportionate – embedding DWP's apprenticeship assessment principles but not mandating a specific approach to assessment design and delivery. Other regulatory requirements, such as the requirement for an assessment strategy, are being introduced only where necessary to ensure that the increased flexibility awarding organisations will have regarding the assessment design and delivery of Apprenticeship Assessments is balanced with appropriate accountability for their design decisions.

We recognise the short-term impact of the reform will increase workload and cost for awarding organisations. We have sought to minimise the increase in regulatory burden where possible through the development of comprehensive guidance. The guidance is intended to provide support to all awarding organisations in designing their Apprenticeship Assessments so they are compliant with the new regulatory framework and our General Conditions.

We also recognise the cumulative impact of apprenticeship reform, alongside wider government reform of vocational and technical qualifications on awarding organisations. This policy context, however, falls outside the scope of Ofqual's remit.

We note concerns that inconsistent or piecemeal information has created uncertainty. We will continue to work closely with Skills England and DWP to improve the clarity, timing and co-ordination of communication to the sector as implementation proceeds.

Innovation (Question 38)

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.

We asked for views on the impact of the proposed regulatory framework on innovation by awarding organisations.

Consultation feedback

Many respondents said the proposed changes would have a positive impact on innovation as they would provide the opportunity for awarding organisations to apply their own expertise and design solutions in ways appropriate for the occupational competence being assessed.

However, many of the same respondents also voiced concerns about the pace to develop and publish revised Assessment Plans without due oversight of the proposed assessment model by the expert groups established by Skills England. They felt this could result in revised Assessment Plans being unnecessarily restrictive, or conversely not being sufficiently prescriptive where this must be justified to mitigate risks to safety, for example.

Decision

We agree that the new regulatory framework, combined with less prescriptive Assessment Plans, has the potential to provide an opportunity for awarding organisations to innovate in their approaches to Apprenticeship Assessment. We understand the concerns about the timescales around the revision of Assessment Plans and will keep this under review in our discussions with Skills England.

Annex A: Consultation questions

Part 1 – Conditions and requirements

Question 1

Do you have any comments on the drafting of 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)?

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)?

Question 5

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

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?

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?

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?

Question 15

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

Question 16

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

Question 17

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

Part 2 – Guidance**Question 18**

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

Questions 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?

Question 21

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

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?

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?

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?

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?

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?

Question 28

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

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?

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?

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?

Question 32

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

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?

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 B: List of organisational respondents

When completing the consultation, respondents were asked to indicate whether they were responding as an individual or on behalf of an organisation. Listed below are the 46 organisations that submitted a response. One further organisation expressly

asked in its submission not to be identified at all.

- 1st Awards Ltd
- Association of Accounting Technicians (AAT)
- Association of Colleges (AoC)
- Association of Employment and Learning Providers (AELP)
- BCS, The Chartered Institute for IT
- British Army
- British Marine Federation
- British Woodworking Federation
- Buckinghamshire Council
- Chartered Institute of Credit Management (CICM)
- Chartered Institute of Horticulture
- Chartered Management Institute (CMI)
- CIPD
- City & Guilds
- Construction EPA Company
- Education for Industry Awards
- Energy and Environment Awards
- Federation of Awarding Bodies (FAB)
- Forestry Trailblazer Group & Further and Higher Education Group of Forestry Skills Forum
- Gateway Qualifications Ltd.
- Herefordshire and Worcestershire Group Training Association
- HM Revenues & Customs
- Horticulture and Landscaping Trailblazer Group
- Innovate Awarding
- Institute of the Motor Industry (IMI)
- Institute of Sales Professionals (ISP)
- intraresilience Ltd.

- Landex – Land Based Colleges and Universities UK
- Lantra Awards
- MSM Education Ltd.
- Military Independent Assessment Authority (MIAA) (Royal Air Force)
- Military Independent Assessment Authority (MIAA) (Royal Navy)
- NCFE
- NFU
- NOCN Group
- National Council for the Training of Journalists (NCTJ) Training Ltd.
- National Skills Academy for Nuclear (NSAN)
- Occupational Awards Ltd.
- Open Awards
- Pearson Education Ltd.
- Quallsafe Awards
- SFJ Awards
- Society for the Environment
- The Open University
- The Worshipful Company of Farriers
- TQUK

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