



Open consultation

The introduction of new Criteria for Recognition

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Applies to England

Contents

[Introduction](#)

[Regulatory requirements for awarding organisations delivering the new qualifications](#)

[Proposals](#)

[Annex A: Post Curriculum and Assessment Review recognition criteria](#)

[Annex B: Ofqual's role, objectives and duties](#)

[Annex C: Consultation responses and your data](#)

Introduction

Ofqual is consulting on the introduction of new Criteria for Recognition to secure the safe and timely delivery of 3 new types of qualification for post-16 students that were announced following the government's Curriculum and Assessment Review (CAR).

The proposed criteria allow Ofqual to ensure any awarding organisation that currently has the capabilities required to successfully deliver the first of these new qualifications, in September 2027, has the opportunity to do so. At the same time, awarding organisations that intend to deliver the new qualifications in the future can use the criteria to understand the capabilities they are likely to need in order to do so. We will review our approach to recognition and consult again in time for the second tranche of the new qualifications.

New qualifications for post-16 students

The [Curriculum and Assessment Review](#) identified the need for a high-quality

alternative pathway at level 3 alongside A levels and T Levels, and separate occupational and progression pathways at level 2 for post-16 students.

As a result, in October 2025, the government published the [Post-16 education and skills white paper](#). This set out its intention to simplify the post-16 landscape into 3 pathways at level 3: A levels, T Levels and the new V Levels. V Levels will sit alongside A levels and T Levels and will offer a vocational alternative to these academic and technical routes. They will be suitable for students who do not want to follow an exclusively academic pathway after their GCSEs, and who are not certain about taking a level 3 qualification related to working in a specific occupational area, such as T Levels. The government also proposes to introduce 2 new vocational routes at level 2: Foundation Certificates and Occupational Certificates. The Department for Education (DfE) consulted on these proposals between October 2025 and January 2026.

Government [confirmed on 10 March that it would introduce those qualifications](#), with the first tranche of subjects available to students from September 2027.

DfE's Post-16 Pathways Consultation included proposals in relation to some high-level features of the new qualifications, including that the government will set subject content requirements for V Levels and Foundation Certificates, and a proportion of core content for Occupational Certificates. DfE also confirmed it expects to introduce these qualifications route by route in tranches, with the first tranche of subjects to be available to teach from September 2027.

High quality, national qualifications

The government has made clear its support for the recommendation in the Curriculum and Assessment Review Final Report that these new qualifications must be high quality national qualifications. At level 3 this means V Levels should sit alongside A levels and T Levels, offering the first-choice vocational route for students at that level. At level 2, there will be 2 dedicated pathways for 16 to 19-year-olds. There will be Foundation Certificates for students preparing to pursue further study at level 3 study. There will also be Occupational Certificates for students who need to develop their skills in a classroom-based setting before progressing into employment in relevant level 2 roles, including an apprenticeship.

The regulatory approach described in this consultation is designed to ensure that the new qualifications meet the government's ambition for quality and to ensure that they will command long-term public confidence.

Regulatory requirements for awarding organisations delivering the new

qualifications

V Levels, Foundation Certificates and Occupational Certificates are intended to have some features already shared by other national qualifications, including T Levels, A levels and GCSEs. They will have nationally-set content, a coherent approach to grading and standards maintenance, and a common design approach. These features are designed to secure quality for qualifications that will become a long-term feature of the qualifications landscape. They will be high-stakes, national qualifications used for progression, including to higher education in the case of V Levels.

The success of such qualifications requires specific capabilities within the awarding organisations delivering them. The proposed Criteria for Recognition in this consultation set demanding expectations, which reflect the government's policy intention, and ensure awarding organisations have the necessary capacity, capability and governance to secure safe delivery.

Alongside the proposed new criteria for an awarding organisation to secure recognition to deliver these qualifications, we will also consult in the spring on the introduction of Qualification Level Conditions (QLCs) specifying how the qualifications must be assessed and how standards will be set and maintained, along with requirements for reviews and appeals. These requirements will ensure that competing awarding organisations offering the new qualifications do so based on a level playing field in relation to standards and quality.

We expect to set the new QLCs in time for awarding organisations to begin submitting qualifications to Ofqual for scrutiny later in the autumn. This will support government's goal that the first tranche of the new qualifications will be available to students in September 2027.

Ofqual may also consult on setting Subject Level Conditions (SLCs), should we deem these necessary to secure the comparability and validity of the new qualifications on a subject by subject basis.

Recognition for the first tranche of new qualifications in 2027

It is in the clear interests of students, higher education institutions and employers that the new qualifications are delivered safely and to a high standard, from the first cohort. To secure that outcome, and to meet the tight timeline set by government for first teaching in 2027, it is likely relatively few awarding organisations will secure recognition for the first tranche of the new qualifications. This is because the proposed new criteria specify that an awarding organisation must have existing capabilities at the appropriate level, that may be proven through experience of delivering comparable qualifications, at the time of the recognition application.

Other awarding organisations, which do not have the existing necessary capabilities at the appropriate level, will have limited time to develop and then demonstrate those capabilities in time to develop and deliver new qualifications from 2027. However, all awarding organisations will have the opportunity to understand our requirements and to develop the expertise, systems and processes, and governance they will need should they wish to apply for recognition for those qualifications later.

Keeping our recognition approach under review

We will review our approach to recognition when we have developed the QLCs, to make sure it remains appropriate considering the more detailed requirements those QLCs will set. We will consult again on the approach we will take for recognition of tranche 2 qualifications (to be first taught in 2028) and beyond and on whether, having completed a review of this initial approach to recognition, we think any changes need to be made either to it or to the applied criteria.

Taking this approach will ensure awarding organisations delivering the first tranche of reformed qualifications will have the appropriate capabilities ready for qualifications to be taught from 2027. This consultation seeks comment on the criteria we propose to put in place to achieve that.

Audience

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

- awarding organisations intending in future to offer V Levels, Foundation Certificates and/or Occupational Certificates, and their representative bodies
- schools, colleges, students, and their representative bodies
- employers and their representative bodies

Consultation arrangements

Duration

This consultation will open on 12 March 2026 and end on 23 April 2026 at 11.59pm.

Respond online

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

Other ways to respond

If for exceptional reasons you are unable to use the online consultation platform, for example because you use specialist accessibility software that is incompatible with the platform, you may request an alternative format. Please email consultations@ofqual.gov.uk to request this. For information on how Ofqual will use and manage your data, please see Annex C.

Proposals

1. Our approach

The [qualifications the government has announced](#) following the Curriculum and Assessment Review Final Report are new 'descriptions of qualification'. This means that none of the awarding organisations Ofqual regulates are currently recognised to make those qualifications available, and any awarding organisation that wants to do so must first secure recognition for the relevant description(s).

The importance and complexity of these new national qualifications mean an awarding organisation must have high levels of capacity, capability and governance to secure safe delivery. At the same time, it is important that awarding organisations that can safely deliver the new qualifications are recognised to do so in time for them to develop their qualifications for the first tranche of subjects that will be first taught in September 2027.

We propose that the most effective way to achieve this is to set new Criteria for Recognition for these new 'descriptions of qualifications'. Section 132(2)(b) of the Apprenticeships, Skills, Children and Learning Act 2009 allows us to set different recognition criteria in this way, for different descriptions of qualifications.

Alongside setting the new criteria, work is in train to develop the Qualification Level Conditions (QLCs) (and, where appropriate, Subject Level Conditions) through which we will set our specific and detailed requirements for the new qualifications. The new conditions will be in place in time to allow awarding organisations meeting the new recognition criteria to develop the new qualifications and submit them for up-front scrutiny promptly, before making the qualifications available for the September 2027 deadline. We expect to consult on setting an accreditation requirement for the new qualifications at the same time as consulting on the QLCs.

This approach will have an impact on awarding organisations because, to be effective, the new criteria must ensure that only awarding organisations that can securely and reliably deliver the new qualifications are recognised. We will be recognising awarding organisations at a time when work on the development of new QLCs is in progress. This means the proposed criteria are informed by our initial assessment of the capabilities an awarding organisation must have to safely

deliver those new qualifications. Moreover, because we have not yet completed our work on the QLCs, the new criteria reflect the higher of the standards we think it might be necessary for an awarding organisation to demonstrate to deliver any of the new qualifications.

This means the proposed criteria have been informed by our understanding of the capability, capacity and governance that are necessary for an awarding organisation that makes available A level and T Level qualifications. This reflects government's intention that V Levels should have parity with those qualifications, as well as our initial view that V Levels will be the most demanding of the new qualifications for awarding organisations to deliver. We think it is right at this stage to set this high standard for all the new qualifications, at level 2 and level 3, to best ensure successful delivery of the first tranche of qualifications while we evaluate what differences there might be between the specific requirements we ultimately set for the 3 different descriptions of qualifications.

As a consequence, we anticipate that few organisations will secure recognition in the first phase, because only a small number of awarding organisations currently award qualifications which require those attributes.

To balance this, we will manage the recognition of awarding organisations to deliver these qualifications in line with DfE's introduction of the qualifications route by route, with the first tranche of subjects to be available from September 2027. When we have made final decisions in relation to the proposed new criteria, we will only accept applications for recognition from awarding organisations that intend to make the new qualifications available for first teach in 2027, and those applications will be restricted to the subjects included in that tranche. This means an awarding organisation that is recognised in the first tranche and wants to deliver subjects in the second tranche (the new qualifications being first taught in 2028) will have to apply for further recognition in the second tranche.

We will review our approach between the first and second tranches and will consult again on our approach for tranche 2 subjects and beyond, as well as on any adjustments to our approach if we think that is required.

Awarding organisations that want to begin making the new qualifications available from the second tranche will be able to use the intervening period to review and develop their capacity and capability against new criteria and the QLCs, which should enhance their ability to secure recognition at that later stage.

Alternative approaches

Our proposed approach reflects the unique circumstances affecting the first tranche of these new qualifications. In particular, that unlike other complex national qualifications, where we were able to use QLCs to inform our recognition decisions, we do not yet have QLCs in place. Moreover, we consider the introduction of these new qualifications is a more complex endeavour than

previous reform programmes – where the reformed qualifications already existed in different forms – and the introduction of T Levels, which was accompanied by a competitive tendering process.

In settling on our proposal to take a different approach to recognition for the first tranche of the new qualifications, by introducing new Criteria for Recognition, we have considered and rejected 2 alternative approaches that more closely reflect our practice in the past.

We considered allowing applications for recognition for the new descriptions of qualifications immediately, using the current Criteria for Recognition. This would mean many more awarding organisations may be recognised for the new descriptions of qualifications in the first phase, in particular those currently delivering qualifications of a similar level and size and in the relevant subject areas. However, not all of those awarding organisations would have the capability, capacity and governance to deliver these important new national qualifications and very few would have experience of doing so. To allow awarding organisations that are not ready to deliver the new qualifications to do so would undermine our ability to maintain standards in these new qualifications. This would have a detrimental impact on public confidence and potentially prevent government achieving its policy intent.

In addition, although a more expansive approach might appear superficially attractive to some stakeholders, we do not consider that approach would be fair to awarding organisations.

This is because once we set QLCs for the relevant qualifications awarding organisations must comply with those QLCs and could be subject to enforcement action – including the imposition of substantial fines – should they fail to do so. To grant recognition before setting the delivery standard in QLCs, in circumstances where the failure to meet that standard could lead to enforcement action, would be neither appropriate nor reasonable. Similarly, were we to allow applications on this basis for the first phase, applicants looking to join the market later would be at a disadvantage because – as the QLCs would then be in place – we would determine their applications against a higher standard than their competitors.

The magnitude of both these risks is increased because our experience causes us to consider that currently only a relatively small number of the 247 awarding organisations we regulate will have the capability, capacity and governance to safely award these new national qualifications.

The other alternative approach would be to wait until the QLCs are in place before recognising any awarding organisation for the new qualifications, when the awarding organisation's ability to deliver the new qualifications would be tested against the new QLCs through the current criteria. This is the approach we have taken before, in relation to the introduction of reformed GCSE(9-1) qualifications and the introduction of Technical Qualifications as part of T levels.

That approach would allow us to minimise the risk of recognising awarding organisations that cannot then comply with the QLCs, and avoid testing later

applicants against a higher threshold than awarding organisations that secure recognition in the first tranche. However, because this approach would mean beginning the process of recognition later, we consider this would put unreasonable pressure on awarding organisations. They would face a choice between waiting to develop qualifications until after recognition, at a time when they would ideally be submitting them for up-front scrutiny, or expending time and resource developing qualifications in advance of recognition when there is a risk recognition will be refused.

Having evaluated these alternatives, we consider the most appropriate way to secure standards and promote public confidence in the new qualifications is to set new Criteria for Recognition for the full range of the new qualifications and to allow applications for recognition for the first tranche to begin immediately following our final decisions, before we have set the relevant QLCs. The likelihood that setting a high bar with those criteria will allow only a small number of awarding organisations to be recognised in the first tranche can be mitigated by taking a phased approach and reconsidering the use of the new criteria for later tranches.

QUESTIONS:

1) To what extent do you agree with our proposal to set new Criteria for Recognition for:

(a) V Levels

(b) Foundation Certificates; and

(c) Occupational Certificates?

2) Do you have any comments on our proposal to review our approach to recognition as the new qualifications are introduced, and specifically between the first and second tranches?

2. Proposed Criterion A(V) – Prior recognition

A(V).1 At the time of application to be recognised for the award of the relevant qualification, the Applicant has a pre-existing and continuing recognition under section 132 of the Act in respect of another qualification or description of qualification.

As set out later in this consultation, the new criteria require an awarding organisation that intends to deliver the new qualifications to demonstrate relevant proven capabilities or experience. We are likely to have the necessary confidence in that experience or capability only where we can be satisfied it reflects the expectations of Ofqual's regulatory framework.

We therefore propose that only awarding organisations already recognised by Ofqual should be able to apply for recognition against the new criteria.

QUESTION:

3) Do you have any comments on proposed Criterion A(V)?

Proposed Criterion B(V) – Expertise

B(V).1 The Applicant has the expertise necessary for the development, delivery and award of the relevant qualifications.

B(V).2 An Applicant's expertise must be demonstrated through previous experience or existing capability, including through appropriate arrangements with third parties where required.

B(V).3 In particular, the expertise that an Applicant must demonstrate under Criterion B.1 must cover at least the following, in accordance with its Conditions of Recognition where applicable –

- a) Designing and developing qualifications.
- b) Setting assessments.
- c) Quality assurance of assessment materials and awards.
- d) Standardising and managing the required number of Assessors, monitoring live marking, and making adjustments to marks where needed.
- e) Standard setting and maintenance including –
 - (i) identification and use of appropriate sources of evidence,
 - (ii) understanding the relative strengths and weaknesses of such sources in different contexts,
 - (iii) technical capability in producing and interpreting the required statistical evidence, and
 - (iv) working with other awarding organisations to ensure the maintenance and comparability of standards across similar qualifications.
- f) Data analysis and research capability to evaluate qualifications.
- g) Post-results services.
- h) Operation and management of the IT systems necessary to deliver the above requirements, together with all other aspects of the development, delivery and award of qualifications.
- i) Communications –
 - (i) with Centres and other third parties involved in the development,

delivery and award of qualifications, and

(ii) where an incident occurs which could have an Adverse Effect, to prevent that Adverse Effect or, where that Adverse Effect occurs, to mitigate and correct it as far as possible.

B(V).4 The expertise that an Applicant must demonstrate under Criterion B.1 must be –

- a) at the appropriate scale, both in terms of national coverage and in relation to each assessment series,
- b) appropriate to the number of relevant qualifications which it may make available if its application for recognition in respect of those qualifications is successful,
- c) appropriate to the numbers of Students to whom it is likely to issue certificates in respect of the relevant qualifications,
- d) appropriate to the level and purpose of the relevant qualifications, and
- e) appropriate to the subject areas that the relevant qualifications will cover.

This proposed criterion reflects our initial assessment that the new qualifications will share many features with the large national qualifications Ofqual regulates most closely and an awarding organisation that can safely and securely deliver those similar qualifications is likely to have the necessary expertise to deliver each of the new descriptions of qualifications. That is, we do not think the QLCs we set will include requirements those awarding organisations are not already required to meet.

We have set out key aspects of the expertise the awarding organisation must be able to show when it applies for recognition for the new ‘descriptions of qualifications’, as well as how that expertise must be demonstrated. Specifically, while the current Criteria for Recognition are future looking, with a focus on whether the applicant ‘will have’ the necessary competence, this proposed Criterion requires evidence either that the awarding organisation has all the necessary expertise in place at the time of the application (capability) or has delivered qualifications with the required attributes (experience).

The proposed requirement for experience or existing capabilities will mean some awarding organisations that have the capacity to develop the necessary expertise, but do not currently have that expertise, will not be able to secure recognition in the first phase. They might have been able to if applying against the current criteria. We consider that consequence to be proportionate to secure the safe delivery of the new qualifications, at least for the first tranche. This is because it is essential the awarding organisations we recognise this summer will be ready to develop the new qualifications immediately, and to deliver them safely for first teaching in September 2027.

At the same time, the flexibility to recognise an awarding organisation that cannot rely on its track record to demonstrate its expertise but can nonetheless show it has everything in place and is ready to deliver at the time of the recognition application, avoids narrowing the field of potentially successful awarding organisations too much. In practice, we anticipate that an awarding organisation without a relevant track record will be required to provide more evidence in support of its recognition application; to demonstrate the capabilities it has in place, that those capabilities show the necessary expertise and that it is ready to deliver.

The expertise an applicant must demonstrate reflects the policy intention that these will be high profile national qualifications. The proposed criterion requires applicants to demonstrate expertise in setting standards for qualifications of this nature, which will have large national cohorts and where the standard set for each award must align between different awarding organisations as well as over time. Ofqual anticipates regularly setting requirements to support the maintenance of standards (see for example the [Data Exchange](#)) and has the power to intervene where there is misalignment. But each of the awarding organisations making the new qualifications available will be responsible for ensuring the specified levels of attainment it sets for a particular qualification are appropriate and reflect and align with those set by its competitors. The expertise exemplified in the proposed criterion therefore reflects not only the ability to identify and interrogate the evidence necessary to set standards, but also the ability to work with other awarding organisations and with potentially very large datasets, to ensure those standards align.

The new qualifications will be important for both progression and access to employment. We know that even where awarding organisations have significant expertise, problems can occur with the delivery or marking of those assessments. The swift resolution of any incidents along with the prompt correction of any errors affecting results will be vital to the success of the new qualifications. The expertise required by the proposed criterion therefore reflects the need for awarding organisations to manage and resolve such incidents appropriately, potentially at scale, and promptly.

The proposed criterion does not require every awarding organisation to demonstrate the same expertise in order to secure recognition. Rather, the expertise necessary will reflect the range of the new qualifications for which it wishes to be recognised. For example, an awarding organisation intending to offer all 3 new descriptions of qualification in every subject available in the first tranche will need to show a greater range and depth of expertise than an awarding organisation that intends to offer only one or two of the new level 2 qualifications in limited subject areas.

QUESTION:

4) Do you have any comments on our proposed criterion B(V)?

4. Proposed Criterion C(V) – Systems and processes

C(V).1 The Applicant has in place the systems and processes necessary for the development, delivery and award of the relevant qualifications, including through appropriate arrangements with third parties where required.

C(V).2 In particular, the systems and processes referred to in Criterion C.1 must cover at least the following –

- a) Delivery of qualifications, including managing Assessors, monitoring live marking, data analysis and statistical processes and the effective management of arrangements with third parties.
- b) Printing and distribution of assessments and other materials.
- c) Scanning and marking of assessments.
- d) Quality assurance.
- e) Data sharing with other awarding organisations to support comparability of standards with other similar qualifications.
- f) Post-results services.
- g) Cyber security.
- h) Where an incident occurs which could have an Adverse Effect, resilience and contingency arrangements to prevent that Adverse Effect or, where that Adverse Effect occurs, to mitigate and correct it as far as possible.

C(V).3 The systems and processes referred to in Criterion C.1 must be –

- a) at the appropriate scale, both in terms of national coverage and in relation to each assessment series,
- b) appropriate to the number of relevant qualifications which it may make available if its application for recognition in respect of those qualifications is successful,
- c) appropriate to the numbers of Students to whom it is likely to issue certificates in respect of the relevant qualifications,
- d) appropriate to the level of the relevant qualifications, and
- e) appropriate to the subject areas that the relevant qualifications will cover.

An awarding organisation that has the necessary expertise but cannot deploy that expertise efficiently and effectively will not be able to deliver the new qualifications in a way that allows us to secure standards and promote public confidence. This proposed Criterion is intended to ensure only those awarding organisations that have developed reliable systems and processes will secure recognition to award the new qualifications in the first tranche.

The systems and processes we propose an applicant will need are those that support the delivery of national qualifications, involving a substantial cohort of students and in circumstances where each result must be comparable with those issued simultaneously by other awarding organisations as well as over time. As with the previous proposed criterion, we propose to require that the systems and processes are established - they must be in place at the time of the application. This is distinct from the existing criteria that allow an applicant to show it has made arrangements to secure necessary systems, processes and resources at an appropriate point after it is recognised.

The systems and processes we have identified in the proposed criterion, as a minimum requirement, echo the essential areas of expertise we have drawn out in proposed Criterion B(V). The proposal means that to recognise an awarding organisation we will need to understand how its systems and processes will work together to ensure it has the necessary resources and information in the right place, at the right time, to allow it to deploy its expertise to reliably deliver the first phase of the new qualifications and properly manage any issues which may arise.

As with the previous criterion, we think the necessary systems and processes will vary depending on the breadth of the awarding organisation's ambition in the first tranche of delivery. We propose that we will only need to see evidence of systems proportionate to the applicant's intended offer. We do not think an awarding organisation wanting to offer a single new qualification will need to demonstrate it has systems with the same level of integration and complexity as an awarding organisation intending to offer the full range of tranche 1 qualifications.

QUESTION:

5) Do you have any comments on our proposed Criterion C(V)?

5. Proposed Criterion D(V) – Governance

D(V).1 The Applicant has the governance arrangements necessary for the development, delivery and award of the relevant qualifications, including through appropriate arrangements with third parties where required.

D(V).2 In particular, the governance arrangements referred to in Criterion D.1 must cover at least the following –

- a) Quality assurance procedures.
- b) Post-results services.

c) Arrangements with third parties.

D(V).3 The governance arrangements referred to in Criterion D.1 must be –

a) at the appropriate scale, both in terms of national coverage and in relation to each assessment series,

b) appropriate to the number of relevant qualifications which it may make available if its application for recognition in respect of those qualifications is successful,

c) appropriate to the numbers of Students to whom it is likely to issue certificates in respect of the relevant qualifications,

d) appropriate to the purpose of the relevant qualifications, and

e) appropriate to the subject areas that the relevant qualifications will cover.

Good governance allows an awarding organisation to operate its systems and processes in a way that makes the best use of its expertise to deliver high quality qualifications valued by users and by society. This proposed Criterion reflects the central importance of an awarding organisation having arrangements in place to make effective and consistent decisions throughout the development, delivery and award of the new qualifications.

We propose that when considering a recognition application, we will need to understand how the awarding organisation has identified and implemented the appropriate degree of delegation for key areas, to ensure decisions are made swiftly and effectively, by decision-makers who understand the broader context and wider impact of those decisions. We know many of these decisions involve balancing competing interests and we will need to understand how the applicant will ensure its decision-makers do so appropriately.

The proposed Criteria B(V) and C(V) envisage that an awarding organisation might secure aspects of its expertise through agreements with third parties and similarly that agreements with others may be the most appropriate way to ensure access to the necessary systems and processes. Where the awarding organisation intends to rely on third parties to support its delivery of the new qualifications, we are likely to focus particularly on the governance it has in place to ensure those third parties operate in a way that allows the applicant to comply with its Conditions of Recognition. This includes ensuring the awarding organisation delivering the qualification remains accountable and does not delegate decisions only it should take.

As with the other proposed criteria, the governance an awarding organisation has in place will need to reflect the range of the new qualifications it intends to offer in the first tranche. We propose that we will need to see evidence the awarding organisation has identified the right governance model for the nature and scale of the systems and processes on which it will rely, and that it has put in place

arrangements to ensure its governance will be effective.

QUESTION:

6) Do you have any comments on our proposed Criterion D(V)?

Regulatory impact assessment (RIA)

This RIA sets out the potential impacts to stakeholders that may result from implementing the proposals set out in the consultation. To identify these impacts, we have assumed a hypothetical baseline where no additional conditions for recognition are introduced for the new qualification descriptions. This would mean that a prospective awarding organisation (PAO) could directly apply for recognition for their delivery, and all existing AOs with relevant scope of recognition would be able to offer the new qualification types. To be clear, we are not consulting on the baseline.

Two considerations cut across this RIA: our efforts to minimise regulatory burden and our intention to revisit the proposals after tranche 1. Awarding organisations delivering the new qualifications will face additional regulatory burden through administrative and compliance costs linked to addressing the risks identified in this consultation. We have sought to limit these burdens while ensuring the qualifications meet required standards during development and delivery. As the proposals initially apply to the first tranche of qualifications for first teaching in 2027, we will review the evidence around their impacts before confirming arrangements for subsequent tranches.

Impact of proposals on users of the new qualification types (students, centres and employers)

The economic value of qualifications depends on their ability to accurately represent students' capabilities, supporting effective matching into further education and the labour market, and contributing to appropriate wage setting, productivity and growth. The proposals in this consultation aim to protect this value by ensuring awarding organisations can manage the specific risks of high volume, high stakes assessments. This will help ensure these new qualifications meet standards comparable to established types of qualification such as A levels and T Levels, maintaining trust among employers and the education sector. Preserving this confidence is essential; a decline in quality could adversely affect the standing of these new qualifications and reduce recognition of students' achievements in high volume, high stakes assessments.

The proposals will narrow the number of awarding organisations operating in each

market, reducing choice for centres and students. Centres may need to familiarise themselves with the processes of a new awarding organisation if their preferred provider cannot offer the qualifications, though these transitional costs should be relatively small and largely one off. While reduced choice may impact students who value specific support resources or assessment approaches, the additional impact from reduced choice is expected to remain modest because centrally-set assessment content will already limit the extent of differences between awarding organisation offers. The proposals are also intended to minimise the risk of any awarding organisation providing a substandard service.

More concentrated markets will have a heightened risk of inefficient pricing due to lower competitive pressure. Should the price be set above what would have been charged in a more contested market, this may require centres to divert resources from other areas and, where students are publicly funded, could lead to inefficient use of public money. At this stage it is not possible to anticipate the eventual fees that will be charged for the new qualifications, and therefore the reasonableness of those fees. Our existing price transparency measures - such as requirements for awarding organisations to publish fees and our analysis in the Qualification Price Statistics report - will help centres assess value for money across available options.

We will have the opportunity to further consider the balance between setting demanding expectations and allowing greater choice, when we review our approach before the second tranche of delivery.

Impact on prospective and existing awarding organisations

The additional scrutiny that the proposals represent will serve to strengthen public confidence and trust in the first tranche of these new qualification types. This will benefit the awarding organisations approved to deliver these qualifications in 2027, through strengthening demand and reducing the risk that poor performance adversely affects public perceptions of the new qualification as a whole.

There will be awarding organisations currently operating in markets that will be affected by the introduction of the new qualifications. While some of these awarding organisations will proceed to deliver the new qualifications to their 16 to 18 target audience, there will be awarding organisations that, at least for the short to medium term, will not be able to meet the requirements to do so.

These awarding organisations could incur a direct loss of business as a result, with the impact varying on the relative importance of these qualifications to their portfolio. In our estimation, the awarding organisations with greatest potential to be affected in this way are those that currently offer qualifications that:

- already have a substantial uptake amongst funded 16–18-year-olds

- have a size and subject area that aligns closely with the anticipated V Level, Foundation Certificate and Occupational Certificate specifications as outlined by DfE.

Based on the range of likely subject areas that will become available through the full extent of these reforms, we consider that several awarding organisations will fall into this category in relation to V Levels and Foundation Certificates.

The way that demand for existing qualifications will change upon introduction of the new qualifications is dependent on a range of variables, principally the extent and pace of DfE's timetable for changing funding eligibility for existing qualifications. Amid this broader uncertainty, it is not possible now to anticipate the extent that existing demand will change. However, awarding organisations affected by a loss of business could respond in a variety of ways, with implications reaching beyond the directly affected markets. It is possible that such awarding organisations may adjust their intended learner base away from 16 to 18-year-olds, raise fees on their other qualifications to compensate for the loss of income, and - in extreme cases - potentially could cease to offer regulated qualifications.

Given the profile of the new qualifications, we are proposing to require that applicants entering the market for the first tranche of new qualifications should already be recognised awarding organisations. Prospective awarding organisations therefore face additional costs relative to the baseline, due to the requirement to firstly become recognised. Instead of applying for the required scope of recognition as part of their initial recognition application, they first have to apply for recognition under the current Criteria for Recognition. They must then launch a subsequent application for an expansion to their scope of recognition to include any of the new qualification descriptions.

Our proposals provide a clear threshold for entry to the new qualification markets, reducing unnecessary applications from awarding organisations well below it. Conversely, awarding organisations with an established track record at the required scale and scope can leverage existing evidence, ensuring a proportionate and streamlined process. Nonetheless, there is necessary additional regulatory burden for prospective awarding organisations and awarding organisations that have, and choose to pursue, a credible case for inclusion into the market but do not have sufficient experience.

While our criteria should streamline decision making for awarding organisations that either clearly do or do not have the experience or existing capability to develop and deliver qualifications at the desired scale and scope within a tight timeframe, there may be some that have a credible claim but will need to be closely assessed. These awarding organisations will face additional regulatory burden-related costs via this scrutiny process, which will involve direct engagement as well as submitting required evidence. Centres may be negatively impacted should awarding organisations opt to recoup these burden-related costs through the fees they charge for the new qualifications and potentially their broader portfolio.

Summary of anticipated impacts

This overview is intended to support respondents in identifying any additional impacts, costs, or benefits that may not have been captured in the preceding analysis.

We have provided a broad sense of scale for the change in cost or benefit that each impact stemming from the proposals introduces. We have categorised costs and benefits as either experiencing a reduction, no or negligible increase, minor to moderate increase, or major increase relative to the baseline of no additional rules or requirements above the General Conditions of Recognition for these qualifications.

We are asking stakeholders to engage with us to more fully understand the scale of the impacts related to the proposals in this consultation, and therefore the information in the table below is subject to change.

Impacts on prospective awarding organisations (PAOs) and awarding organisations (AOs)

Impact from prior recognition requirement

- PAOs face additional costs entering the market as a result of having to undertake 2 sequential recognition processes.

Major increase in cost (for PAOs)

Impacts from expertise, systems and processes and governance requirements

- Although entry costs are higher, participating AOs benefit commercially from access to a more trusted and robust qualification 'brand', which will support sustainable long-term uptake.

Minor to moderate increase in benefit for AOs that participate in the new markets

- AOs that are not recognised to offer new descriptions of qualifications in tranche 1 may lose student numbers and associated revenue when students on their current qualifications transition to the new qualifications. This could lead to additional impacts such as elevated pricing on the rest of an AO's portfolio to recoup lost revenue, or possibility that AOs exit the market due to loss of business.

Depends on AO; ranges from minor to moderate increase in cost to major increase in cost

- AOs applying for access to the new markets will face additional costs in demonstrating their readiness. These costs will be lower for AOs that have an existing track record for qualifications of a similar scope and scale, and higher for AOs that do not have such a track record, proportionate to the breadth of

qualification descriptions and subjects they wish to offer.

Minor to moderate increase in cost (smaller for AOs with a track record)

Impacts on students

Impacts from prior recognition requirement and from expertise, systems and processes and governance requirements

- Increased trust in qualification quality improves students' ability to use the qualification for progression into work or further training, supporting labour market efficiency and economic growth.

Major increase in benefit (for students, employers and educational institutions)

- Students benefit from reduced risk of stress, anxiety, or disadvantage as a result of high quality assessment.

Minor to moderate increase in benefit

- Students may experience a negative impact as a result of less choice in the market. For example, a student may prefer specific assessment features offered by other AOs that are not recognised to offer the new qualification descriptions. This could require greater effort and time to achieve a given outcome.

Minor to moderate increase in costs

Impact on centres and other stakeholders

Impacts from prior recognition requirement and from expertise, systems and processes and governance requirements

- Reduced risk of financial cost to centres as a result of poor delivery or operational processes.

Minor to moderate increase in benefit

- Centres may incur transitional costs as a result of a lack of choice requiring the use of a non-preferred AO. These costs could include becoming familiar with administrative support systems for a new AO.

Minor to moderate increase in costs

- The lower competitive pressure as a result of fewer AOs could lead to higher fees than in the baseline scenario. This would lead to additional costs for centres and, ultimately, the public where affected qualifications are eligible for public funding.

Minor to moderate increase in costs (for centres and government)

We are aware that we do not have complete information regarding the magnitude of the impacts that we have identified. The responses to this consultation will help us to assess and develop the accuracy of our understanding, supporting our

development of proportionate and effective regulation.

QUESTIONS:

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

8) Are the descriptions of the magnitude of the impacts accurate? Please inform us where we have over or underestimated cost or benefit. We welcome specific quantifiable information to help bolster our understanding.

9) Do you have any suggestions for reducing or mitigating the costs associated with these proposals?

Equalities impact assessment

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

We have considered the impact of these proposals on those who share a particular protected characteristic and have not identified any negative impacts.

The introduction of new Criteria for Recognition will give Ofqual the power to ensure that only awarding organisations with the necessary experience or capability to design, develop, deliver and award these new qualifications can enter the market. The impact of these proposals is therefore primarily on awarding organisations. However, we consider that by taking this approach to recognition there could be a small positive equality impact as it will help to ensure the qualifications ultimately available to students will be high quality, consistent and fair.

QUESTIONS:

10) Are there any potential equality impacts (positive or negative) that we have not identified?

11) Are there any additional steps Ofqual could take to mitigate any potential negative equality impacts resulting from the proposals?

Annex A: Post Curriculum and Assessment Review recognition criteria

A (V) Prior Recognition

A(V).1 At the time of application to be recognised for the award of the relevant qualification, the Applicant has a pre-existing and continuing recognition under section 132 of the Act in respect of another qualification or description of qualification.

B (V) Expertise

B(V).1 The Applicant has the expertise necessary for the development, delivery and award of the relevant qualifications.

B(V).2 An Applicant's expertise must be demonstrated through previous experience or existing capability, including through appropriate arrangements with third parties where required.

B(V).3 In particular, the expertise that an Applicant must demonstrate under Criterion B(V).1 must cover at least the following, in accordance with its Conditions of Recognition where applicable –

- a) Designing and developing qualifications.
- b) Setting assessments.
- c) Quality assurance of assessment materials and awards.
- d) Standardising and managing the required number of Assessors, monitoring live marking, and making adjustments to marks where needed.
- e) Standard setting and maintenance including –
 - i) identification and use of appropriate sources of evidence,
 - ii) understanding the relative strengths and weaknesses of such sources in different contexts,
 - iii) technical capability in producing and interpreting the required statistical evidence, and
 - iv) working with other awarding organisations to ensure the maintenance and comparability of standards across similar qualifications.
- f) Data analysis and research capability to evaluate qualifications.
- g) Post-results services.
- h) Operation and management of the IT systems necessary to deliver the above requirements, together with all other aspects of the development, delivery and award of qualifications.
- i) Communications –
 - i) with Centres and other third parties involved in the development, delivery and award of qualifications, and

ii) where an incident occurs which could have an Adverse Effect, to prevent that Adverse Effect or, where that Adverse Effect occurs, to mitigate and correct it as far as possible.

B(V).4 The expertise that an Applicant must demonstrate under Criterion B.1 must be –

- a) at the appropriate scale, both in terms of national coverage and in relation to each assessment series,
- b) appropriate to the number of relevant qualifications which it may make available if its application for recognition in respect of those qualifications is successful,
- c) appropriate to the numbers of Learners to whom it is likely to issue certificates in respect of the relevant qualifications,
- d) appropriate to the level and purpose of the relevant qualifications, and
- e) appropriate to the subject areas that the relevant qualifications will cover.

C(V) Systems and processes

C(V).1 The Applicant has in place the systems and processes necessary for the development, delivery and award of the relevant qualifications, including through appropriate arrangements with third parties where required.

C(V).2 In particular, the systems and processes referred to in Criterion C.1 must cover at least the following –

- a) Delivery of qualifications, including managing Assessors, monitoring live marking, data analysis and statistical processes and the effective management of arrangements with third parties.
- b) Printing and distribution of assessments and other materials.
- c) Scanning and marking of assessments.
- d) Quality assurance.
- e) Data sharing with other awarding organisations to support comparability of standards with other similar qualifications.
- f) Post-results services.
- g) Cyber security.
- h) Where an incident occurs which could have an Adverse Effect, resilience and contingency arrangements to prevent that Adverse Effect or, where that Adverse Effect occurs, to mitigate and correct it as far as possible.

C(V).3 The systems and processes referred to in Criterion C.1 must be –

- a) at the appropriate scale, both in terms of national coverage and in relation to each assessment series,
- b) appropriate to the number of relevant qualifications which it may make available if its application for recognition in respect of those qualifications is successful,
- c) appropriate to the numbers of Learners to whom it is likely to issue certificates in respect of the relevant qualifications,
- d) appropriate to the level of the relevant qualifications, and
- e) appropriate to the subject areas that the relevant qualifications will cover.

D(V) Governance

D(V).1 The Applicant has the governance arrangements necessary for the development, delivery and award of the relevant qualifications, including through appropriate arrangements with third parties where required.

D(V).2 In particular, the governance arrangements referred to in Criterion D.1 must cover at least the following –

- a) Quality assurance procedures.
- b) Post-results services.
- c) Arrangements with third parties.

D(V).3 The governance arrangements referred to in Criterion D.1 must be –

- a) at the appropriate scale, both in terms of national coverage and in relation to each assessment series,
- b) appropriate to the number of relevant qualifications which it may make available if its application for recognition in respect of those qualifications is successful,
- c) appropriate to the numbers of Learners to whom it is likely to issue certificates in respect of the relevant qualifications,
- d) appropriate to the purpose of the relevant qualifications, and
- e) appropriate to the subject areas that the relevant qualifications will cover.

Interpretation

In these criteria, the following rules of interpretation shall apply –

- 1) Unless the context suggests otherwise, in these criteria:
 - a) words in the masculine gender are to be read as including the feminine gender (and vice versa)
 - b) words in the singular are to be read as including the plural (and vice versa)
 - c) references to 'it' are to be read as including references to 'he' and 'she' (and vice versa)
 - d) the words 'in particular' indicate a list of examples and should not be read as limiting the scope of the words that occur before them
 - e) references to 'person' include any body of persons, whether corporate or unincorporate
 - f) 'awarding organisation' refers to an organisation which is recognised in accordance with section 132 of the Act,
 - g) a 'qualification' means a regulated qualification (and includes any units of that qualification)
 - h) 'relevant qualification' refers to any qualification in respect of which the Applicant is applying for recognition or which falls within a description of qualifications in respect of which the Applicant is applying for recognition
 - i) references to an Act of Parliament include any secondary legislation made under that Act of Parliament, and
 - j) words have the same meaning as in Part 7 of the Act
- 2) Titles and headings in these criteria are for information only and are not to be used for the purposes of interpretation.

Defined Terms

In these criteria, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

The Act

The [Apprenticeships, Skills, Children and Learning Act 2009](#).

Adverse Effect

An act, omission, event, incident, or circumstance has an Adverse Effect if it –

- a) gives rise to prejudice to Learners or potential Learners, or

b) adversely affects –

- i) the ability of the awarding organisation to undertake the development, delivery or award of qualifications in a way that complies with its Conditions of Recognition,
- ii) the standards of qualifications which the awarding organisation makes available or proposes to make available, or
- iii) public confidence in qualifications.

Applicant

The person who has applied to Ofqual to be recognised as an awarding organisation in accordance with section 132 of the Act.

Assessor

A person who undertakes marking or the review of marking. This involves using a particular set of criteria to make judgements as to the level of attainment a Learner has demonstrated in an assessment.

Centre

An organisation undertaking the delivery of an assessment (and potentially other activities) to Learners on behalf of an awarding organisation. Centres are typically educational institutions, training providers, or employers.

Conditions of Recognition

All conditions to which an Applicant's recognition is to be subject (including other conditions to be imposed under section 132(3)(d) of the Act).

Learner

A person who is registered to take a qualification and to be assessed as part of that qualification.

Annex B: Ofqual's role, objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has 5 statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009;

- 1) The qualification standards objective, which is to secure that the qualifications it regulates:
 - a) give a reliable indication of knowledge, skills and understanding; and
 - b) indicate:
 - i) a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - ii) a consistent level of attainment (but not over time) between qualifications it regulates and comparable qualifications (including those awarded outside of the UK) that it does not regulate
- 2) The assessment standards objective, which is to promote the development and implementation of regulated assessment arrangements which:
 - a) give a reliable indication of achievement, and
 - b) indicate a consistent level of attainment (including over time) between comparable assessments
- 3) The public confidence objective, which is to promote public confidence in regulated qualifications and regulated assessment arrangements
- 4) The awareness objective, which is to promote awareness and understanding of:
 - a) the range of regulated qualifications available,
 - b) the benefits of regulated qualifications to students, employers and institutions within the higher education sector, and
 - c) the benefits of recognition to bodies awarding or authenticating qualifications
- 5) The efficiency objective, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money

Ofqual must therefore regulate so that qualifications properly differentiate between students who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

Ofqual also has a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant students, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

The Equality Act 2010

As a public body, Ofqual is subject to the public sector equality duty. This duty requires Ofqual to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The awarding organisations that design, deliver and award qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications, except where Ofqual has specified that such adjustments should not be made.

When Ofqual decides whether such adjustments should not be made, it must have regard to:

- a) the need to minimise the extent to which disabled persons are disadvantaged in attaining the qualification because of their disabilities
- b) the need to secure that the qualification gives a reliable indication of the knowledge, skills and understanding of a person upon whom it is conferred
- c) the need to maintain public confidence in the qualification

Ofqual is subject to a number of duties and it must aim to achieve a number of objectives. These different duties and objectives can sometimes conflict with each other. For example, if Ofqual regulates to secure that a qualification gives a reliable indication of a student's knowledge, skills and understanding, a student who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification.

A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification.

It is not always possible for Ofqual to regulate so that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between people who share a protected characteristic and those who do not. Ofqual must review all the available evidence and actively consider all the available options before coming to a final, justifiable decision.

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, students' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a student's ability to achieve a particular assessment, Ofqual's influence is limited to the qualification design and assessment.

Ofqual requires awarding bodies to design qualifications that give a reliable indication of the knowledge, skills and understanding of the students that take them. Ofqual also requires awarding organisations to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a student to achieve because they have a particular protected characteristic. Ofqual requires awarding organisations to monitor whether any features of their qualifications have this effect.

In setting its proposed requirements, Ofqual wants to understand the possible impacts of the proposals on students who share a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage and civil partnerships
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

With respect to the public sector equality duty under section 149 of the Equality Act, Ofqual is not required to have due regard to impacts on those who are married or in a civil partnership.

Annex C: Consultation responses and your data

Why we collect your personal data

As part of our consultation process, you are not required to provide your name or any personal information that will identify you. However, we are aware that some respondents would like to provide contact information. If you or your organisation are happy to provide personal data, with regard to this consultation, please complete the details below. We seek to reach as broad a range of people and institutions as possible to inform our proposals. For us to monitor this, understand views of different groups and taking steps when reaching out to specific groups, we may ask for sensitive data such as ethnicity and disability to understand the effectiveness of our approach. However, it is optional to provide this information.

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

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

Your data

Your personal data:

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

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

Your rights

You have the right to:

- be informed that your personal data is being processed by Ofqual
- access the information we hold about you
- request that we rectify any information about you that is incorrect
- request that data we hold about you are erased. There are certain conditions

which apply to the erasure of personal data, depending on the purpose of processing. You will be informed if your request has been declined and the reason for this

- restrict processing in certain circumstances

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

Freedom of Information Act and your response

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

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

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

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response. We produce and publish reports on [Ofqual - GOV.UK](#) setting out an analysis of the consultation responses and decisions made as a result of that analysis. In the course of analysis, we will avoid using your name and contact details. We will only process the body of your response, but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

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

Where we share data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected. We will not share your information with any third parties for the purposes of direct marketing.

We use data processors who are third parties who provide elements of services for us. We have contracts in place with our data processors. This means that they cannot do anything with your personal information unless we have instructed them to do it. They will hold it securely and retain it for the period we instruct. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

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

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

Use of AI for Consultation Analysis

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

Where AI tools are used to process personal data, this is done in accordance with the original purposes for which the data was provided and processed in

accordance with this notice. Copilot has the same security, compliance, and privacy settings configured within Microsoft 365.

How long will we keep your personal data?

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

Our legal basis for processing your personal data

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

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

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

How to contact us

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

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

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

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

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

Telephone: 0303 123 1113

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