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Open consultation

Part A: Proposed changes to Ofqual's Qualification Level Conditions for Technical Qualifications

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Applies to England

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Under the existing contractual model for Technical Qualification (TQ) delivery, the majority of the requirements in the contract that exists between the Department for Education (DfE) and awarding organisations replicate those that exist in Ofqual's TQ Qualification Level Conditions (QLCs) or General Conditions of Recognition (GCR). This alignment is intentional, to ensure awarding organisations are not put in the position of having to meet conflicting requirements. It is also necessary so that Ofqual can enforce its regulations, and DfE can separately enforce its contractual requirements.

There are a small number of differences that exist, however, where an obligation in the DfE contract is not replicated in Ofqual's regulatory framework. There are also some aspects of the T Level (for example the Industry Placement and issuing certificates) that Ofqual is not currently responsible for regulating. To reflect DfE's policy to move from a single supplier to a regulated market in future, we need to bring these within the scope of Ofqual's regulation. We are therefore proposing some amendments to our TQ QLCs, in order to ensure the ongoing secure delivery of TQs.

In this section, we set out the changes proposed to Ofqual's TQ QLCs that are necessary to implement DfE's policy intentions.

Renaming the Technical Qualification

Currently, within the regulations, there is a distinction between:

- the Ofqual-regulated TQ, consisting of the Core and Occupational Specialisms, and
- the overall T Level programme, consisting of the Ofqual-regulated Technical Qualification and the Industry Placement overseen by DfE

Overall T Level results are calculated by DfE, with certificates or Statements of Achievement also issued by DfE.

The proposals set out will remove this distinction between the T Level and the TQ, and transfer those aspects currently overseen or conducted by DfE to awarding organisations. Delivery of these will be secured through Ofqual regulation.

Proposal

Given these changes, which are explained in more detail below, we do not think it is necessary to retain the distinction between the TQ and the T Level, as all aspects of the T Level will in future fall within the Ofqual regulated qualification. We propose therefore to simplify the way in which we refer to T Levels by removing and replacing references to the TQ as follows:

- we will no longer refer to the TQ within our regulatory framework, and will rename our 'TQ QLCs' as 'T Level QLCs'
- where the framework is referring to the overall T Level (the Core, Occupational Specialism(s) and Industry Placement), we will in future refer to 'the T Level'
- where the regulatory framework is referring to the parts of the T Level that previously made up the TQ (the Core and Occupational Specialisms), we will instead refer to these individually

These changes will mean that in future, the qualifications on Ofqual's register will be called T Levels, rather than TQs.

T Level results and certificates

Currently students' overall T Level results are determined by DfE, who also issue T Level certificates. These are based on a student's achievement in the Core and Occupational Specialisms, which is reported to DfE by awarding organisations, and on confirmation by centres that the Industry Placement has been completed. The results are calculated using tables published by DfE, which are based on the relative weightings of the Core and Occupational Specialisms in each T Level.

Due to this approach, Ofqual's TQ QLCs currently prevent awarding organisations from issuing TQ certificates through the disapplication of General Conditions I3 and I4 (which cover the design, content and issuance of certificates) for students assessed in England. Guidance under Condition H6 currently reflects this position, on the basis that awarding organisations issue results for the components to the Secretary of State (or an organisation acting on their behalf), who then issues students with T Level certificates or Statements of Achievement.

Proposed change

In future, responsibility for aggregating overall T Level results and issuing certificates will transfer from DfE to awarding organisations. The approach to aggregating results will remain the same – the overall result will be based on a student's achievement in the Core and Occupational Specialism(s), and they will need to have completed an Industry Placement. In future, centres will confirm completion of the Industry Placement to awarding organisations rather than to DfE.

To implement this approach, we propose the following:

- to reapply General Conditions I3 and I4, so that awarding organisations will in future be required to issue certificates for T Levels
- to adopt the grade aggregation tables used by DfE into our regulatory framework and require awarding organisations to use these, to ensure overall T Level grades are calculated in the same way by awarding organisations

In incorporating the aggregation tables into Ofqual's framework we will simplify the way they are presented by combining identical tables and ensuring that all combinations of Core and Occupational Specialism weightings are reflected. The changes are to the way the tables are presented - we are not proposing changes to the way in which T Level grades themselves are aggregated. The proposed grade aggregation tables are included as part of the standard setting requirements set out under Condition TL11 in Part C.

This means that in future, awarding organisations will issue a single T Level certificate, which includes:

- the overall aggregated grade for the T Level, based on the aggregation tables published by Ofqual
- a result for achievement in the Core
- a result for achievement in the Occupational Specialism(s)
- confirmation that the Industry Placement has been completed

As results and certificates will in future be the responsibility of awarding organisations, we propose to remove the existing guidance under Condition H6, which currently reflects that results are passed to the Secretary of State for certification.

Question 1

Do you have any comments on the proposed approach relating to:

- determining overall T Level results
- issuing T Level certificates?

Statement of Achievement

Students who complete some but not all parts of a T Level are currently issued with a Statement of Achievement by DfE which lists those parts of the T Level they have achieved. The Statement of Achievement includes:

- achievement, if any, for the Core and Occupational Specialism(s)
- whether the Industry Placement has been completed

As students will not have completed all parts of the T Level, it does not include an overall T Level grade. In line with the approach to issuing T Level certificates, DfE has decided that in future, responsibility for issuing a Statement of Achievement will transfer from DfE to awarding organisations.

Proposal

To implement this approach, we propose to put in place a requirement for awarding organisations to issue a Statement of Achievement for students who have completed some but not all of the Core, Occupational Specialism(s) or the Industry Placement.

The statement should include any grade achieved for the Core or Occupational Specialisms. It should make clear that the Statement of Achievement represents partial achievement and not full achievement of the T Level. The Statement of Achievement will be required to meet Ofqual's General Conditions relating to certificates, and associated certificate requirements.

Our proposed certificate requirements relating to the Statement of Achievement are

included in the requirements specified under Condition TL27 in Part C.

Question 2

Do you have any comments on the proposed approach relating to the Statement of Achievement?

Question 3

Do you have any comments on the proposed certificate requirements specified under Condition TL27 relating to the Statement of Achievement?

The Industry Placement

The Industry Placement must be completed by a student alongside the TQ to achieve a T Level. Currently, centres are responsible for arranging placements, for determining whether a learner has met DfE's completion criteria for that placement, and for reporting this to DfE. DfE expects centres to hold evidence to support the decision they have made and reserves the right to audit this evidence.

DfE intends that in future centres should report completion of the Industry Placement to awarding organisations instead of to DfE, as awarding organisations will be responsible for determining overall T Level achievement, calculating grades, and issuing T Level certificates. It intends also that awarding organisations, rather than DfE, should be responsible for ensuring centres hold the necessary evidence to support their judgement.

Proposal

To implement the approach described above, we propose to put in place a Condition that awarding organisations must require centres to report to them on completion of the Industry Placement. We propose that awarding organisations should take reasonable steps to ensure that centres hold the evidence on which they have made their judgement about completion of the Industry Placement.

The guidance on completion of the Industry Placement will continue to be specified by DfE, including the criteria against which completion of the Industry Placement should be judged by centres. Centres will continue to be responsible for organising Industry Placements for students, and for judging whether DfE's completion criteria for the Industry Placement have been met. DfE will continue to be responsible for holding centres to account for arranging placements in line with that guidance. Neither Ofqual nor awarding organisations will have a role in securing the availability of, quality assuring, or addressing any issues that arise in the delivery of Industry Placements.

Having considered how Industry Placements are overseen currently, we do not think it would be appropriate to require awarding organisations to evaluate centres' decisions about the quality of individual Industry Placements, nor whether a student has met DfE's completion criteria for the Industry Placement. They are unlikely to be well-placed to do this, and this would go beyond what happens now. We do however think that as a T Level certificate can only be issued if an Industry Placement has been completed, it is appropriate for awarding organisations to assure themselves that centres hold sufficient evidence on which they have based their decisions, which would go beyond what happens currently. We would expect awarding organisations to take reasonable steps to assure themselves that those declarations are reliable and supported by appropriate evidence, for example by sampling evidence held by centres.

We recognise that as Industry Placements may take place at different times, it may not always be possible for awarding organisations to check on the evidence held by centres before T Level results are issued. Doing so could risk a delay to the issue of student results. To avoid such delays, it may be the case that awarding organisations' sampling of centre evidence takes place after results have been issued.

Where an issue is identified, for example if a centre does not return a completion declaration, or does not hold evidence to support it, we propose that this should be investigated as malpractice or maladministration on the part of the centre. Given that such investigations may not take place until after results have been issued, we are not proposing to require awarding organisations to necessarily adjust results or certificates retrospectively where an issue is identified in a centre's approach. It will be for awarding organisations to determine the appropriate action to take. This will help prevent students being adversely affected by centre malpractice or maladministration outside of their control. We would however expect awarding organisations to take steps to address such issues with centres.

Ofqual proposes to introduce a Condition TL9 which requires awarding

organisations to:

- collect declarations from centres about learner completion of the Industry Placement
- take reasonable steps to ensure the centre holds the necessary evidence to support its decision
- treat any failure by a Centre to provide an Industry Placement statement to the awarding organisation in a timely manner as malpractice and/or maladministration

We also propose to issue guidance that sets out expectations for awarding organisation monitoring of Industry Placement statements from centres, and the need for awarding organisations to specify the consequences that follow where centres do not return a declaration or cannot provide evidence to support centre declarations.

The draft Condition TL9 and Industry Placement guidance can be found in Part C.

Question 4

Do you have any comments on the proposal to require awarding organisations to collect centre declarations for Industry Placement completion and to take reasonable steps to assure centre declarations?

Question 5

Do you have any comments on the drafting of the proposed Condition TL9 relating to the Industry Placement ?

Question 6

Do you have any comments on the drafting of the proposed guidance on Industry Placements?

Total Qualification Time

Ofqual currently requires awarding organisations to determine the Total Qualification Time (TQT) for a TQ. This must be done by applying Ofqual's TQT criteria and must be in line with any requirements or ranges specified by DfE. As the Industry Placement is part of the wider T Level programme, and sits outside of the Ofqual-regulated TQ, the hours spent on the Industry Placement are not currently considered to be part of the TQT.

Proposed change

In future the Ofqual-regulated T Level will cover what is currently the TQ (the Core and Occupational Specialism) and the Industry Placement. This means it will be necessary for awarding organisations to include the hours spent on the Industry Placement as part of the TQT.

Total Qualification Time (TQT) is defined as:

The number of notional hours which represents an estimate of the total amount of time that could reasonably be expected to be required, in order for a Learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification. Total Qualification Time is comprised of the following 2 elements – a) the number of hours which an awarding organisation has assigned to a qualification for Guided Learning, and b) an estimate of the number of hours a Learner will reasonably be likely to spend in preparation, study or any other form of participation in education or training, including assessment, which takes place as directed by – but not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.

Guided Learning is defined as:

The activity of a Learner in being taught or instructed by – or otherwise participating in education or training under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training. For these purposes the activity of 'participating in education or training' shall be treated as including the activity of being assessed if the assessment takes place under the Immediate Guidance or

Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

Based on these definitions, we expect the Industry Placement would meet the definition to be included within the calculation for TQT but not be considered part of Guided Learning.

We therefore propose that awarding organisations should include the Industry Placement as part of the TQT determination and we intend to put in place guidance to make this clear.

The revised guidance on TL7 Total Qualification Time can be found in Part C.

Question 7

Do you have any comments on the proposed approach to the inclusion of Industry Placement hours as part of T Level TQT?

Question 8

Do you have any comments on the drafting of the proposed guidance on TL7 Total Qualification Time?

Compliance with subject content

Awarding organisations are currently required by DfE to follow outline content for a TQ. Outline content sets out high-level content, based on occupational standards, which awarding organisations must use as the basis for developing the TQ.

Ofqual's existing TQ regulatory framework does not include a similar provision, although it does require awarding organisations, as part of their assessment strategy, to explain its approach to covering the outline content.

Proposal

To support consistency between awarding organisations delivering the same TQ in a future regulated market, DfE intends to publish subject content for each T Level.

To support public confidence and the maintenance of standards between T Levels in the same subject, it will be important that the DfE subject content is followed by each awarding organisation delivering a particular T Level. To ensure this, we propose to require awarding organisations to comply with DfE's subject content through our regulatory framework to ensure consistency between awarding organisations. We also propose that an awarding organisation may not remove any content specified by DfE, and if it elaborates on any of that content, it must not do so in a way that would affect the size of the T Level.

We will do this by introducing a QLC that requires this. Our Condition will require awarding organisations to:

- comply with the subject content
- have regard to any recommendations or guidelines set out in the content document
- interpret the content in line with any requirements or guidance published by Ofqual
- not remove any content and where it elaborates on content, only do so in a way that does not affect the size of the qualification

The Condition TL3 can be found in Part C.

Question 9

Do you have any comments on the proposal to require an awarding organisation to ensure their qualification complies with DfE's published subject content?

Question 10

Do you have any comments on the drafting of the proposed Condition TL3 on compliance with DfE's subject content?

Reviewing and appealing results

Awarding organisations are currently required to have in place arrangements for reviews of marking, reviews of Moderation, and appeals for the results of TQs. These arrangements relate only to the Ofqual-regulated TQ and not the wider T Level programme, as this is outside of Ofqual's regulatory remit.

Proposal

As Ofqual will in future regulate all aspects of the T Level, we propose to extend the scope of the reviews and appeals permitted, to allow reviews and appeals against all elements of the T Level – the Core, Occupational Specialism, Industry Placement and aggregation of the overall T Level result. The nature of these review and appeal opportunities will differ for each of these parts of the T Level, as detailed below.

In relation to the Core and Occupational Specialisms, reviews of marking, reviews of Moderation and appeals will continue in the same way as currently applies to the TQ.

In relation to the Industry Placement, it will be possible to appeal to an awarding organisation where there may have been a clerical error; for example, if completion of the Industry Placement has not been recorded correctly, including where this impacts on whether a student has been issued with a Statement of Achievement rather than a T Level certificate. It will not be possible to request a review or appeal by an awarding organisation of a centre's judgement about whether the DfE completion criteria have been met, although centres are required by DfE guidance to have an internal student appeals process relating to Industry Placement completion decisions.

In relation to the overall T Level grade, it will be possible to request a review or appeal by an awarding organisation of application of the grade aggregation tables, for example if the grade issued does not accurately reflect achievement of the Core and/or Occupational Specialism(s), including where this impacts on whether a student has been issued with a Statement of Achievement rather than a T Level certificate.

We propose to put in place a new condition TL20 to allow for the review of a T Level result and to amend TL21 to allow for the appeal of a T Level result following that

review. Draft Condition TL20 and the revised TL21 can be found in Part C.

Question 11

Do you have any comments on the proposed approach to reviews and appeals for T Levels?

Question 12

Do you have any comments on the drafting of proposed Condition TL20 providing for a review of a T Level result or the amendments to TL21 providing for appeals of T Level results?

Exemplification materials

Currently awarding organisations are required to publish materials for the Occupational Specialisms in order to exemplify the evidence likely to be produced by students at pass and distinction grades. These materials should comprise examples of actual or indicative evidence that reflect the minimum requirements for those grades and should be produced in consultation with any relevant employers and kept under review.

There are 2 types of exemplification materials: actual and indicative. Indicative materials are produced before a qualification is first taught, to help centres understand what work at each of these grades might look like. Actual materials are produced once qualifications are being taught and are based on actual work that represents achievement of the pass and distinction grades.

Proposal

With T Levels now in delivery, we have a better understanding of how these different types of exemplification materials are used in practice. While published indicative exemplification materials are used by awarding organisations and centres to prepare for T Level delivery, actual exemplification materials are not used in the way originally

anticipated. In line with this, we propose to amend our standard setting requirements to remove the requirement to publish actual exemplification materials and will retain the requirement to publish indicative exemplification materials only.

Question 13

Do you have any comments on our proposal to remove the requirement for awarding organisations to publish actual exemplification materials?

Subject Level Conditions

Ofqual regulates qualifications at 3 levels (although we do not set requirements at all 3 levels for all qualifications):

- General Conditions, applying to all awarding organisations and qualifications
- Qualification Level Conditions, applying to all qualifications of a particular type
- Subject Level Conditions, applying to all qualifications of a particular type in a particular subject

We currently regulate TQs through the General Conditions and the TQ Qualification Level Conditions (QLCs). We do not currently set Subject Level Conditions (SLCs), as the single provider model and DfE's contracts with awarding organisations means it is not necessary to do so to ensure comparability or to ensure standards between awarding organisations. This approach differs to that taken in many qualifications designed against common subject content, for which Ofqual does set SLCs.

Proposal

The move to a regulated market model means that more than one awarding organisation may be recognised to offer T Levels in a subject. In line with other qualifications offered by multiple awarding organisations and designed against common content, it may be necessary in the future to introduce SLCs to secure consistency and comparability between awarding organisations. The extent to which this is necessary will depend on the subject content being developed by DfE.

We therefore propose to make provision in our regulatory framework to set SLCs, although we do not propose to set any at this stage. We will do this through an amendment to the drafting of the interpretation condition to permit this.

If in future we decide to introduce SLCs for a T Level, we will consult on this separately.

Question 14

Do you have any comments on the proposed approach to provide for Subject Level Conditions in T Levels?

Next steps

Following the close of this consultation, we will analyse all responses received and publish our decisions and our final regulatory framework. We anticipate this being in early 2027.

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