

## **Guided Learning Hours**

A consultation on the relevance of qualifications for the Raising the Participation Age policy and estimating the size of qualifications



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# Contents

1. Background.....	3
2. The case for change .....	6
3. Our proposals – a new approach to size.....	9
4. How we will regulate – our new approach.....	15
5. Implementation .....	23
6. Other considerations.....	27
7. Responding to the consultation.....	31
Questions .....	35
Accessibility of our consultations .....	41
Appendix A: Background on relevant legislation.....	43
Appendix B: General Conditions and Criteria .....	46
Proposed new General Condition of Recognition E7 – Guided Learning Hours and Total Qualification Time.....	47
The general accreditation requirement.....	52
Total Qualification Time Criteria .....	54

## **1. Background**

1.1 This consultation is about how an awarding organisation should:

- decide whether a qualification is, or is likely to be, used by persons in work in England aged 16 or 17 to help them meet their legal duties to participate in relevant education or training; and
- calculate and describe the time students will typically need to spend undertaking certain activities when studying for a qualification.

1.2 We are consulting on a new approach to how the size<sup>1</sup> of a qualification is estimated because:

- we and the awarding organisations we regulate are subject to relevant statutory duties in relation to the Government's Raising the Participation Age (RPA) policy;<sup>2</sup>
- existing estimates made by awarding organisations and expressed as guided learning hours (GLH) have not always been based on a common approach and in some cases are thought to be excessive; and
- we are proposing changes to how we regulate qualifications designed to meet the Qualifications and Credit Framework (QCF) regulatory arrangements. The QCF regulations require awarding organisations to determine Credit values for their qualifications as a measure of size. We consider it important that Credit values can continue to be developed for qualifications. Any such Credit values need to be robust and consistent across awarding organisations.

1.3 The RPA legislation requires awarding organisations to estimate how many hours of guided learning it typically takes to complete certain qualifications and requires us to regulate aspects of how the awarding organisations do that. This consultation includes:

- criteria that we are required by the Apprenticeships, Skills, Children and Learning Act 2009 (the '2009 Act') to set and publish;

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<sup>1</sup> In this consultation, when we say 'size' we mean the time that students will typically need to spend undertaking certain activities when studying for a qualification.

<sup>2</sup> Education and Skills Act 2008 and Apprenticeships, Skills, Children and Learning Act 2009

- General Conditions of Recognition that would allow us to enforce compliance with the awarding organisations' statutory duties; and
  - proposals to include in those criteria and General Conditions new requirements of awarding organisations relating to estimating and describing the size of qualifications.
- 1.4 An awarding organisation must now decide whether a qualification is likely to be taken by 16 or 17 year olds in England who are in work and who need to discharge their statutory 'duty to participate' in relevant education or training. Where an awarding organisation decides a qualification is likely to be taken by such young persons for these purposes, it must set out how many 'hours of guided learning' students will usually need to complete the qualification. This is because such young persons when in full-time work have to do a certain amount of study,<sup>3</sup> and therefore a consistent approach is needed for calculating the relevant time commitment.
- 1.5 We have a duty to publish criteria that an awarding organisation must apply when it decides whether a qualification is likely to be used by young persons in this way; and how, if so, it must assign hours of guided learning to that qualification. We will then regulate how awarding organisations discharge their duties over estimating what at present are known widely as 'guided learning hours' (GLH).
- 1.6 We are consulting on drafts of these criteria and our proposed approach to how they should be introduced and used by awarding organisations. We have two additional complementary proposals, to:
- provide qualifications' users with richer information about the time involved in studying for a qualification; and
  - require any awarding organisation to use an approach we prescribe if it chooses to assign a measure of size to its qualifications despite having no statutory obligation to do so.

These proposals would go beyond what is required in statute, reflecting that the uses of estimates of the size of qualifications are much broader than young people's needs in meeting their duty to participate in relevant education or training. The proposals will help to produce an evidence-based and more complete picture of the size of qualifications.

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<sup>3</sup> Education and Skills Act 2008, sections 2 and 6 to 8.

- 1.7 We regulate vocational qualifications taken by students in Northern Ireland. These qualifications are not relevant to the RPA policy as this applies only to young people in England. We look at how our proposals regarding size will affect these qualifications in paragraphs 6.3 to 6.5.

## **How to respond**

If you are interested in how awarding organisations estimate the size of their qualifications and how they will determine whether a qualification is likely to be taken by young people in full-time work seeking to discharge their 'duty to participate' in relevant education or training, we hope you will respond to this consultation.

The closing date for responses to this consultation is **16th October 2014**.

You can respond to this consultation in one of the following ways:

- Complete the online response at: <http://surveys.ofqual.gov.uk/s3/guided-learning-hours-july-2014>.
- Email your response to [consultations@ofqual.gov.uk](mailto:consultations@ofqual.gov.uk). Please include the consultation title (Guided Learning Hours) in the subject line of the email and make clear who you are and in what capacity you are responding.
- Post your response to: Guided Learning Hours consultation, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB.

## **Evaluating the responses**

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will only consider your response if you complete the information page.

We will publish the evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

## **2. The case for change**

2.1 The Government's RPA legislation requires awarding organisations in certain circumstances to assign hours of Guided Learning to qualifications, using a new definition.<sup>4</sup> The current GLH system therefore has to change. We set out details of the relevant legislation in Appendix A.

2.2 Estimates of the size of qualifications are widely used, for example by:

- funding bodies;
- course providers, in planning timetables;
- students, in deciding which qualification to take;
- Government, in deciding which qualifications should count in school or college accountability measures and their relative weighting;
- Government, in setting out minimum times for On-the-Job Training and Off-the-Job Training that an apprentice must receive to complete an apprenticeship;
- employers deciding which qualifications best suit the needs of their businesses; and
- universities and admissions bodies assessing a qualification's weight for admission decisions.

2.3 The only formal regulatory requirements we have put in place relate to the QCF, where the current concept of GLH is defined as well as requirements for determining 'Credit' based on 'Learning Time' (see below). Whilst assigning Credit is compulsory in that context, estimating how much of Learning Time relates to GLH is not.<sup>5</sup> These requirements do not reflect the wide range of uses for estimates of the size of qualifications.

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<sup>4</sup> In this document, the term 'GLH' refers to the existing concept and definition of guided learning. The term 'Guided Learning' refers to the proposed new definition and is the term that will be used in future if the proposal is adopted.

<sup>5</sup> Section 1.8j of the Regulatory Arrangements for the QCF states that awarding organisations can submit "the number of guided learning hours (GLH) for the unit (if needed)".

- 2.4 In this section we set out why we would have needed to take action to tackle problems with the existing GLH system even if there had not been new legislation. We also outline reasons why we think we should make complementary changes to other aspects of how awarding organisations estimate the size of their qualifications, so as to better meet the needs of qualifications users.
- 2.5 Most awarding organisations currently choose to assign a GLH value to their regulated qualifications (and to units of those qualifications). This value can be seen on the qualification's entry in the Register of Regulated Qualifications.<sup>6</sup>
- 2.6 At present GLH estimates are not based on a consistent definition; nor are those estimates sufficiently robust in some cases. When awarding organisations state the GLH for their qualifications and units if they are submitting these to go on the QCF, the definition is not tight and we have issued no relevant guidance. There is therefore no consistent approach.
- 2.7 We currently do not require awarding organisations to show evidence of their quality assurance procedures specifically when estimating GLH. Nor do we check their estimates in detail unless there is a particular cause for concern.
- 2.8 Training providers, colleges, schools and awarding organisations have all told us that, for a variety of reasons, the current situation does not fully meet their needs.<sup>7</sup> For example:
- Current GLH values do not always reflect the experience of those teaching the courses.
  - The current GLH values assigned to some qualifications have been publicly criticised as excessive. Government funding for qualifications has often been linked with estimates of size. This provides an incentive to over-estimate GLH.

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<sup>6</sup> <http://register.ofqual.gov.uk>

<sup>7</sup> We first consulted on some aspects of regulating GLH in our consultation *Risk-Based Regulation – a Consultation for Awarding Organisations* (2012) (<http://comment.ofqual.gov.uk/riskbasedregulation>). We have reconsidered our approach in light of the responses ([www.ofqual.gov.uk/files/2012-11-21-risk-based-regulation-a-consultation-for-awarding-organisations.pdf](http://www.ofqual.gov.uk/files/2012-11-21-risk-based-regulation-a-consultation-for-awarding-organisations.pdf)). We have also received extensive feedback from users of GLH since our consultation.

- For some qualifications, especially higher-level qualifications, the actual time needed to complete a qualification might be much more than the time a student spends in real-time engagement with a teacher. Therefore the current estimate of GLH might not reflect the typical time taken to complete such qualifications.

2.9 We have therefore identified the following key issues with current GLH values:

- They may not be accurate and are often calculated for purposes such as funding, where there are incentives to over-estimate.
- They are not always a useful measure for qualification users, as they do not adequately cover the amount of time involved in studying for a qualification.

2.10 We conclude that those who use and have an interest in qualifications would benefit from better estimates of the size of qualifications.

2.11 There is a compelling case for improving the current system. We need to introduce a regime where there is tighter regulation, correction of any estimates that are currently unsound and a more consistent approach to estimating the size of a qualification.



### **3. Our proposals – a new approach to size**

#### **A change to the definition of guided learning hours and broadening the measure of size**

- 3.1 The Education and Skills Act 2008 (the 2008 Act) sets out the RPA policy, requiring young people to continue in certain types of training or education until they reach the age of 18. Where such young persons are in full-time work, they typically also need to be studying for a certain number of hours towards a regulated qualification.
- 3.2 As part of ensuring that such study is of sufficient quality and size, the 2008 Act requires awarding organisations to assign ‘hours of guided learning’ to certain qualifications. That measure of the size of a qualification is defined in a different way from that which we currently require in the context of the QCF (as set out in paragraphs 5.1-5.7). Further information about the relevant legislation can be found in Appendix A.
- 3.3 It would be confusing for users of qualifications if awarding organisations were to calculate in different ways how many of the GLH currently assigned to qualifications are and are not relevant to the RPA policy. We believe therefore that there should be a single definition for GLH that mirrors the definition for ‘actual guided learning’ set out in the legislation.
- 3.4 Section 145(11) of the 2009 Act defines ‘actual guided learning’ as the
- time a person spends –

  - a) being taught or given instruction by a lecturer, tutor, supervisor or other appropriate provider of education or training, or
  - b) otherwise participating in education or training under the immediate guidance or supervision of such a person,

but does not include time spent on unsupervised preparation or study, whether at home or otherwise.
- 3.5 We believe that it would be helpful for users of qualifications to see a breakdown of what makes up the total time commitment involved and for this to be produced by awarding organisations using a consistent approach. This would allow for comparisons and informed choices.
- 3.6 We propose that where awarding organisations publish the time it will typically take students to complete qualifications, they should all use the same descriptions, give a fuller picture than just the Guided Learning element and calculate the values in the same way.

## **Estimating the size of qualifications – Total Qualification Time**

3.7 We recognise that calculating the time taken to complete a qualification is not an exact science. For example:

- The time that any individual within a group of students will need to complete a qualification is likely to vary, sometimes significantly.
- Some qualifications, particularly vocational qualifications, will have different learning pathways involving optional units.
- For new qualifications that are substantially different from existing qualifications, it may be particularly difficult for an awarding organisation to estimate how much time it will typically take to complete before it is actually taught for the first time.
- Some students will study for particular qualifications in different ways, for example full-time college students and distance learning students may be studying for the same qualification.

3.8 We have a statutory duty to set and publish criteria about how awarding organisations assign the number of hours of guided learning. In addition we propose to introduce:

- a new approach that awarding organisations will need to use in producing their estimates; and
- new terms to describe the time a student could reasonably expect to be taught, to study for and to be assessed in a qualification. These activities will add up to 'Total Qualification Time' (TQT).

3.9 There may be other activities that a student will participate in, such as homework set for a particular class or student by an individual teacher for pedagogical reasons, but TQT consists only of the time typically taken by students to complete a qualification. This is decided by the awarding organisation and set out in the qualification's specification.<sup>8</sup>

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<sup>8</sup> All regulated qualifications must have a published specification before the qualification is made available. The General Condition E3 "Publication of a qualification specification" sets out what an awarding organisation must include in a published specification. Our proposed new General Condition E7 requires awarding organisations in addition to include TQT values in specifications where a number of hours in respect of any element of TQT has been assigned.

- 3.10 The awarding organisation may choose to include activities that are not assessed but which the awarding organisation considers to be important for the student to undertake in order to complete the qualification.
- 3.11 TQT will be split into three components: Guided Learning, Directed Study and Dedicated Assessment.

### **Component 1: Guided Learning**

- 3.12 At present, GLH is the estimate of the time a student is taught and (where certain criteria apply) assessed in real time,<sup>9</sup> in each case under the immediate guidance or supervision of a teacher.<sup>10</sup> Teaching may be face to face, in the classroom or workplace, or remotely (for example via a telephone tutorial or a webinar). Assessment activities that can only be taken under the Immediate Guidance or Supervision<sup>11</sup> of the teacher (rather than under Invigilation<sup>12</sup>) are currently included in GLH, where the teacher is actively involved in assessing the student.
- 3.13 The relevant new definition of Guided Learning to be used in the General Conditions reads as follows:

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<sup>9</sup> By 'real time' in this consultation we mean activities taking place at the actual time when the teacher is present and directly supervising the student, in person or remotely. We define this as 'Immediate Guidance or Supervision' in our proposed change to General Condition J1.8.

<sup>10</sup> By 'teacher' in this consultation we mean a lecturer, assessor, supervisor, tutor or other appropriate provider of education or training.

<sup>11</sup> By 'Immediate Guidance or Supervision' we mean "the guidance or supervision provided to a Learner by a lecturer, supervisor, tutor or other appropriate provider of education or training a) with the simultaneous physical presence of the Learner and that person, or b) remotely by means of simultaneous electronic communication. For these purposes, the activity of Invigilation is not to be regarded as a form of guidance or supervision." We set this out in our proposed additions to General Condition J1.8 (Appendix B).

<sup>12</sup> By 'Invigilation' we mean "the supervision by an appropriate person of Learners who are participating in the activity of being assessed for a qualification, where such supervision involves neither any teaching nor the giving of any guidance or direction beyond that which is necessary to convey instructions for the carrying out of the assessment or otherwise for the effective management of the assessment activity", as set out in our proposed additions to General Condition J1.8 (Appendix B).

## **Proposed addition to General Condition J1 Interpretation and Definitions – Guided Learning**

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 with the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

- 3.14 We have a statutory obligation to use this definition and therefore we are not consulting on this definition of Guided Learning. It necessarily reflects the definition of ‘actual guided learning’ set out in the 2008 and 2009 Acts.
- 3.15 It would, however, be helpful for us to know if there are any activities where you have doubts as to whether they should be included in this new definition of ‘Guided Learning’.

<p><b>Question 1:</b> Are there any activities where you would be in doubt as to whether they should be included in ‘Guided Learning’?</p>
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## **Component 2: Directed Study**

- 3.16 Directed Study Hours (DSH) are the estimate of the time a student spends on activities required in the qualification’s specification and as directed by a teacher, but which may or may not be assessed and are not under the teacher’s direct supervision. This is set at the discretion of the awarding organisation and therefore may include time spent in activities such as reading, research, learning in the workplace (that is, work experience) or practising the skills required to complete the qualification. This may also include pieces of work associated with assessment carried out by students in their own time, but which are not supervised or invigilated. Other activities that are outside the requirements of the qualification’s specification, such as some work experience, are not included.
- 3.17 The relevant new definition (for use in the General Conditions) on which we are consulting reads as follows:

## **Proposed addition to General Condition J1 Interpretation and Definitions – Directed Study**

The activity of a Learner in preparation, study or any other form of participation in education or training 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.

For these purposes the activity of ‘participating in education or training’ shall be treated as including the activity of being assessed if the assessment is not subject to Invigilation and 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.

**Question 2:** “The proposed definition of ‘Directed Study’ is clear and appropriate.”

What is your view of this statement?

Please give reasons for your answer.

Are there any activities where you would be in doubt as to whether they should be included in ‘Directed Study’?

Do you have any other comments or suggestions about this definition?

### **Component 3: Dedicated Assessment**

3.18 Dedicated Assessment Hours (DAH) refer to the time a student spends being assessed for a qualification in a controlled environment, as set out by the awarding organisation in the qualification’s specification. These assessments are invigilated and may be internal (for example, marked by the student’s teacher) or external (for example, marked by external examiner). The invigilation may be undertaken by a teacher or someone else. Invigilation is the act of watching candidates during an assessment and therefore no immediate guidance or supervision is being given to them. This category includes written and practical assessments completed in invigilated, timed conditions.

3.19 The relevant new definition for ‘Dedicated Assessment’ (for use in the General Conditions) on which we are consulting reads as follows:

#### **Proposed addition to General Condition J1 Interpretation and Definitions – Dedicated Assessment**

The participation of a Learner in the activity of being assessed for a qualification, where the assessment is subject to Invigilation but takes place without the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

**Question 3:** “The proposed definition of ‘Dedicated Assessment’ is clear and appropriate.”

What is your view of this statement?

Please explain your answer.

Are there any activities where you would be in doubt as to whether they should be included in ‘Dedicated Assessment’?

Do you have any other comments or suggestions about this definition?

**Question 4:** Do you have any other comments on the three components of Total Qualification Time? For example, are there other parts of learning time or activities that you expect the definitions to cover that they do not? If so, what are they?

## **4. How we will regulate – our new approach**

4.1 In this section we set out our proposed requirements about:

- how awarding organisations should determine the relevance of their qualifications for ‘2008 Act purposes’, that is, for the purposes of the Government’s RPA policy as set out in the Education and Skills Act 2008; and
- where qualifications are relevant, or the awarding organisation wishes to give information about the size of qualifications, how they should estimate and describe the size of qualifications.

4.2 Awarding organisations are required by the 2009 Act to determine whether a qualification is relevant for 2008 Act purposes.

4.3 Awarding organisations may find that determining a qualification’s relevance for 2008 Act purposes is straightforward. Qualifications such as GCSEs, A levels, many Level 1 and Level 2 qualifications and some other Level 3 qualifications are often directly marketed at 16 and 17 year olds. Many such qualifications will be recognised by Government in relevant school and college performance measures as suitable for 16 and 17 year olds. Although the young people taking the qualifications will often not be in full-time employment, all such qualifications are likely in future to be taken by young people in full-time work seeking to discharge their ‘duty to participate’ in relevant education or training.

4.4 For qualifications that are not directly marketed to 16 to 17 year olds, awarding organisations may choose to review the student data they currently obtain from schools, colleges and training providers. Most Level 1 and Level 2 qualifications are likely to be relevant for 2008 Act purposes.

4.5 There will be some qualifications that are not relevant for 2008 Act purposes because they are aimed at older students due to factors such as:

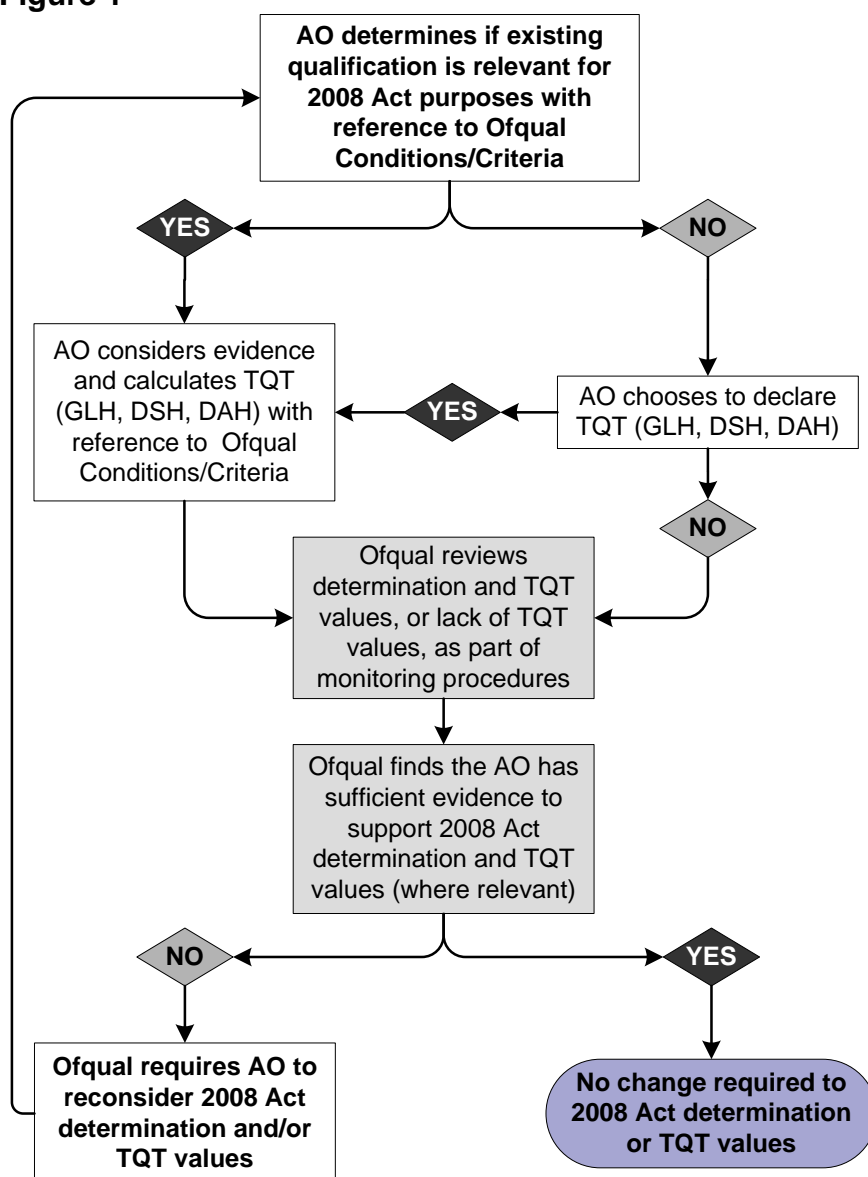
- the amount of work experience or previous qualifications or units that the student is required to have completed before taking the qualification is greater than a student under the age of 18 is likely to have; or
- requirements for a person to use or demonstrate skills that would be undesirable for a person under the age of 18 years old to be using for health and safety reasons (for example, the handling of hazardous materials).

4.6 Where an awarding organisation determines that a qualification is relevant for 2008 Act purposes, it will have a statutory obligation to estimate the Guided

Learning element. Where an awarding organisation determines that a qualification is not relevant to the RPA policy, it can choose whether to assign a Guided Learning value.

- 4.7 We propose that where an awarding organisation has or chooses to assign Guided Learning values to a qualification, it must also assign values of Directed Study and Dedicated Assessment. This will help to produce an evidence-based and more complete picture of the qualification.
- 4.8 We expect each awarding organisation to monitor its determination of a qualification's relevance for RPA purposes and the assigned TQT values on an ongoing basis. If we find a problem or concern as part of our monitoring, we will take the appropriate action.

**Figure 1**





- 4.9 The 2009 Act gives us the power to review an awarding organisation's determination in relation to a qualification's relevance for 2008 Act purposes and the number of hours of Guided Learning it assigns to a qualification. The 2009 Act also gives us the power to require changes to those determinations where we consider it appropriate. We could exercise these powers for a group of qualifications, such as for GCSEs and A levels, or for an individual qualification where we have good reason to believe an awarding organisation's determination is not appropriate. In practice we would be likely, initially at least, to ask the awarding organisation to reconsider, as illustrated in Figure 1.
- 4.10 As stated earlier, we recognise that calculating the time taken to complete a qualification is not an exact science. The 2009 Act (echoing the 2008 Act) refers to 'actual guided learning' as being that time 'which could reasonably be expected to be required'.<sup>13</sup> This allows for an estimate to be used rather than a precise calculation of time for Guided Learning. In addition we intend to use an estimated calculation of time for our proposed Directed Study and Dedicated Assessment concepts.
- 4.11 Our proposed requirements also reflect this in a number of ways, including the following:
- We will expect awarding organisations to collect and analyse sufficient evidence of the relevance of the qualification for 2008 Act purposes and the time reasonably taken for students to complete the qualification. We say 'reasonably taken' because different students will take different amounts of time to complete a qualification, so calculating an exact time value would not be an appropriate expectation.
  - Where there are different pathways for a qualification, we will require awarding organisations in making their estimate to select the pathway with the minimum TQT typically required to complete the qualification.<sup>14</sup>
  - We will require awarding organisations to keep their estimated values under review, taking into account fresh evidence as they receive it.

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<sup>13</sup> Apprenticeships, Skills, Children and Learning Act 2009, section 145(10)

<sup>14</sup> We are proposing the minimum TQT typically required because the Government uses the same approach when considering Key Stage 4 (and shortly also Key Stage 5) qualifications in its performance tables. This prevents schools and colleges from being over-rewarded, which would be the case if the middle or maximum amount of time was included in performance tables but a school or college only offered the minimum time required to complete a qualification.

## **General Conditions**

4.12 We place General Conditions of Recognition<sup>15</sup> on all the awarding organisations we regulate.<sup>16</sup>

4.13 As noted above, we are consulting on draft General Conditions that would allow us to enforce the statutory obligations on awarding organisations and would give effect to our additional proposals. If we change our proposals in light of responses to the consultation, we will change the General Conditions accordingly.

4.14 The proposed General Conditions can be summarised as follows:

- The awarding organisation must determine whether each qualification it offers is relevant for 2008 Act purposes, in accordance with the new Criteria.
- Where the awarding organisation determines that a qualification is relevant for 2008 Act purposes, it must assign a number of hours for Guided Learning, Directed Study and Dedicated Assessment using the relevant Criteria.
- Where the awarding organisation determines that a qualification is not relevant for 2008 Act purposes but still chooses to assign a number of hours for Guided Learning, Directed Study and Dedicated Assessment, it must do so using the relevant Criteria.
- Where the awarding organisation has assigned hours for Guided Learning, Directed Study and Dedicated Assessment, it must have appropriate evidence to ensure that the number of hours assigned can be justified.
- The awarding organisation must keep under review the number of hours it has assigned to a qualification and revise if appropriate.
- The awarding organisation must ensure that the qualification's specification:

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<sup>15</sup> General Conditions can apply to all awarding organisations and be in respect of all qualifications, or they can apply to some qualifications only.

<sup>16</sup> [www.ofqual.gov.uk/how-we-regulate](http://www.ofqual.gov.uk/how-we-regulate)

- sets out the determination that the qualification is relevant for 2008 Act purposes, where this is the case;
- sets out the number of hours assigned to each element of the Total Qualification Time (TQT); and
- is amended when the awarding organisation revises the determination of relevance for 2008 Act purposes or the number of hours assigned to any element of TQT.

4.15 The proposed new General Conditions in full can be found in Appendix B.

**Question 5:** Do you have any comments about our proposed General Conditions?

Which paragraphs are clear and helpful? Why?

Which paragraphs do you feel need to be clearer? Why?

## **Statutory Guidance**

4.16 We will consider writing statutory Guidance to provide awarding organisations with further information about the proposed General Condition E7.

4.17 The purpose of this Guidance would not be to help with the determination of which qualifications are relevant for 2008 Act purposes, or how hours of TQT must be assigned. This information will be provided in the Criteria document.

4.18 We are now seeking views about what information would be helpful to include in any Guidance. If we decide to write Guidance, we will consult further on the proposed content.

**Question 6:** What Guidance would be most helpful to you in relation to the proposed General Condition E7? Why is this? You may wish to consider what might be positive and negative indicators of compliance with the proposed General Condition.

## **Criteria**

4.19 As noted above, we are consulting on draft Criteria that would give effect to our proposals. If we change our proposals in light of responses to the consultation, we will change the Criteria accordingly.

4.20 In summary, the proposed Total Qualification Time Criteria contain the following:

- The factors that must be considered by an awarding organisation when determining whether a qualification is relevant for 2008 Act purposes:

A qualification is likely to be relevant for 2008 Act purposes if a Learner aged 16 or 17 years old:

- (a) has previously taken the qualification while at the same time being in full-time occupation,<sup>17</sup> or
- (b) is, at the time of the determination, participating in training or education towards the qualification, provided by a course or courses, while at the same time being in full-time occupation.

A qualification is unlikely to be relevant for 2008 Act purposes if:

- (a) the qualification requires the use or demonstration of skills where the use of such skills by a person under the age of 18 years old would be undesirable for health and safety reasons,
- (b) for any other reason the awarding organisation will not accept registration for the qualification by a person under the age of 18 years old,
- (c) the size of the qualification is such that it would be difficult for a Learner to take that qualification while at the same time being in full-time occupation,
- (d) the qualification requires prior achievement (such as the completion of another qualification or work experience) that a Learner under the age of 18 years old is unlikely to have, or
- (e) the qualification is at a higher level than GCE A level or equivalent.

- The criteria to be applied by an awarding organisation when assigning a number of hours of Guided Learning, Directed Study and Dedicated

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<sup>17</sup> The term 'full-time occupation' is defined in section 5 of the 2008 Act as working for 20 hours or more per week under a contract of employment or in any other way which may be prescribed in regulations. At the date of publication of this document, alternative ways of working which have been prescribed by regulations are working (a) as a self-employed person, (b) otherwise than for reward, and (c) as the holder of an office (Duty to Participate in Education or Training (Alternative Ways of Working) Regulations 2013).

Assessment to qualifications which are currently available or which the awarding organisation proposes to make available. Some of these provisions are for circumstances where the awarding organisation is also the training provider. These criteria include:

- when determining the number of hours of any element of TQT, the awarding organisation must take reasonable steps to gather estimates of the number of hours currently undertaken from a proportion of Centres, third parties and Learners for that qualification or, in the case of a proposed qualification, in respect of a similar qualification; and
- when determining the number of hours of any element of TQT, the awarding organisation must have due regard to any relevant information which is reasonable available to the awarding organisation from Users of similar qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.
- The requirement for an awarding organisation to record its determination of a qualification's relevance for 2008 Act purposes and a qualification's number of hours of Guided Learning, Directed Study and Dedicated Assessment.
- The requirement for an awarding organisation to retain appropriate evidence and its rationale for its determination of a qualification's relevance for 2008 Act purposes and a qualification's number of hours of Guided Learning, Directed Study and Dedicated Assessment. This evidence and rationale must be made available to us when requested.

4.21 The proposed new Criteria in full can be found in Appendix B.

**Question 7:** Is there anything else we should reasonably expect an awarding organisation to consider when determining a qualification's relevance for the Raising the Participation Age policy (relevance 'for 2008 Act purposes')?

**Question 8:** "The Criteria document will help awarding organisations in making the required determination of a qualification's relevance for 2008 Act purposes."

What is your view of this statement?

Please explain your answer.

**Question 9:** Are there other methods we should reasonably expect an awarding organisation to consider when calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment?

Please explain your answer.

**Question 10:** "The Criteria document will help awarding organisations in calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment."

What is your view of this statement?

Please give reasons for your answer.

**Question 11:** What are your views on the proposed wording of the draft new Criteria?

Which paragraphs are clear and helpful? Why?

Which sections do you feel need to be clearer? Why?

To what extent will these Criteria help awarding organisations to make the required determinations?

## **5. Implementation**

In this section we explore the practical implications for awarding organisations if we were to implement the draft regulatory requirements set out in this document.

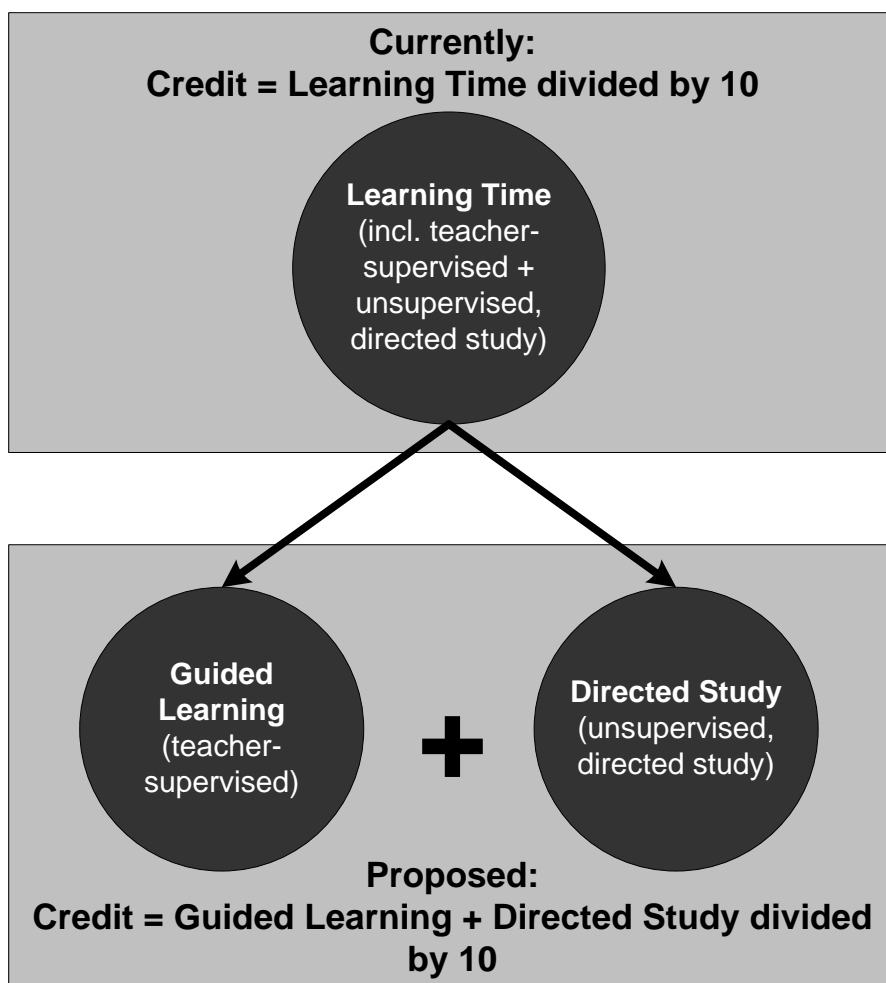
### **Implications for Credit values for qualifications**

- 5.1 We are currently reviewing the QCF and consulting on a number of recommendations about the future of the framework. The QCF review and consultation includes consideration of the accumulation of Credit in light of the proposed withdrawal of the Regulatory Arrangements for the QCF. Further information can be found in the QCF consultation document that is being published in parallel with this consultation.<sup>18</sup>
- 5.2 'Credit' is an internationally recognised term used to quantify and recognise learning. Where qualifications or units are designed to meet the requirements of the QCF, we require them to have a Credit value. The Regulatory Arrangements for the QCF define Credit as the number of hours taken to achieve the learning outcomes for the qualification divided by ten.
- 5.3 Credit value does not reflect the total time commitment for a student in studying for a qualification. Where the student is being assessed but is not under immediate guidance or supervision (for example, an externally marked examination) this time is not counted.
- 5.4 We believe that Guided Learning and Directed Study provide an accurate summary of the number of hours taken to achieve the learning outcomes and so combine to give a Credit value. Therefore Credit values will consist of two elements (Guided Learning and Directed Study) instead of one combined element (Learning Time), as in Figure 2.

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<sup>18</sup> [www.ofqual.gov.uk/documents/removing-regulatory-arrangements-for-the-qcf](http://www.ofqual.gov.uk/documents/removing-regulatory-arrangements-for-the-qcf)

**Figure 2**



- 5.5 In principle, our proposed approach will not change the way in which awarding organisations estimate any Credit values for the qualifications we regulate. Rather we will require awarding organisations to have robust evidence to show that any such value that they have allocated can be justified. Currently we do not specifically require awarding organisations to have evidence of how they arrived at their estimates of size. However we would expect awarding organisations to be able to justify the values they have allocated. If the awarding organisation establishes that its estimates need to be updated, this will affect Credit and therefore will affect any funding that is related to Credit.

**Question 12:** “Our proposals will have no impact on Credit values, unless the awarding organisation establishes that its previous estimate of the size of a qualification needs to be changed.”

What is your view of this statement?

Please give reasons for your answer.



If you feel there are other implications for Credit, what are they?

Do you have any other comments?

- 5.6 A key design feature of the QCF is that Credit must be assigned at the level of units, thereby allowing for units to be combined towards a qualification and for funding eligibility to be calculated. We are consulting on moving to a system where awarding organisations have the discretion (but not a duty) to assign Credit.
- 5.7 We will propose to use the approach in this consultation to ensure that when awarding organisations choose to assign Credit they do so using a robust and consistent methodology. We will therefore consult on new regulatory provisions to replace those in the Regulatory Arrangements for the QCF.

### **A transition period**

- 5.8 We intend to provide for a suitable transition period to allow awarding organisations to move to full compliance with our new requirements. We propose this transition period should last for 12 months from the publication of the proposed new General Conditions and Criteria. However we are inviting views on the length of the transition period.
- 5.9 For qualifications that are on the Register from the start of this transition period, we propose to allow awarding organisations to make the relevant changes to indicate the size of their qualifications as an amendment (that is, that the qualification would not require a new Qualification Number (QN)). We are currently looking at lifting the accreditation requirement for the majority of qualifications in a separate consultation.<sup>19</sup> We will, however, review the approach taken by awarding organisations to meeting our proposed requirements as part of our ongoing approach to auditing the validity of qualifications developed by individual awarding organisations, as we set out in our recent public statement about our regulatory strategy.<sup>20</sup>
- 5.10 Awarding organisations will need to do some or all of the following, depending on their individual circumstances:

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<sup>19</sup> *Lifting the Accreditation Requirement Consultation*: <http://comment.ofqual.gov.uk/lifting-the-accreditation-requirement>.

<sup>20</sup> [www.ofqual.gov.uk/documents/open-letter-developing-way-regulate](http://www.ofqual.gov.uk/documents/open-letter-developing-way-regulate)

*Guided Learning Hours: A consultation on the relevance of qualifications for the Raising the Participation Age policy and estimating the size of qualifications*

- form a view on their qualifications' relevance for 2008 Act purposes and (where appropriate) size. In order to do this, they will need to collect existing evidence and if necessary supplement this to support their TQT values in line with the new Criteria;
- update and republish the specifications of their affected qualifications; and
- update the Register with the TQT values of their qualifications.

Awarding organisations may also need to update Credit values for their qualifications.

5.11 Through monitoring we will sample to check the new values for the elements of TQT.

**Question 13:** What would be a reasonable length of time after the introduction of a new approach for an awarding organisation to evaluate hours of Guided Learning, Directed Study and Dedicated Assessment for its qualifications? Why is that?

5.12 For all new qualifications submitted to the Register during the transition period, or qualifications submitted for amendments other than the proposed changes to GLH, we propose that the awarding organisation includes in its submitted specification the required TQT using the new definitions. Where we apply an accreditation requirement, we will review all TQT values for the qualification as part of the accreditation review process.

## **6. Other considerations**

### **Regulating the size of new GCSEs and reformed A levels**

- 6.1 We are reforming GCSEs and A levels, with new specifications in some subjects beginning to be taught from autumn 2015. Details are on our website.<sup>21</sup>
- 6.2 TQT values for GCSEs, AS qualifications and A levels will be determined by awarding organisations following the same requirements as for other qualifications. We expect that new GCSEs, AS qualifications and A levels will be of about the same size as their current counterparts. We plan to introduce statutory Guidance that relates to reformed GCSEs, AS qualifications and A levels to make sure that all the awarding organisations recognised to offer these take a consistent approach to determining their TQT values.

### **Estimates of size used by other UK regulators**

- 6.3 At present, the regulators in Wales, Northern Ireland and England all impose the same requirements in relation to GLH and Credit. We recognise that any change resulting in more than one approach within the UK to calculating and defining GLH might impose unnecessary regulatory burden on awarding organisations and confuse users; particularly where qualifications are taken by students in more than one jurisdiction.
- 6.4 We have therefore been keeping in touch with the Scottish Qualifications Authority (SQA), the Council for the Curriculum, Examinations and Assessment (CCEA) and the Welsh Government about our emerging proposals. CCEA and the Welsh Government are reviewing the practical implications of the change for their jurisdictions. We hope that there can continue to be a common approach over estimates of the size of qualifications.
- 6.5 The RPA policy only concerns young people who are resident in England. We also regulate vocational qualifications in Northern Ireland. If awarding organisations choose to declare hours of Guided Learning for vocational qualifications taken by students in Northern Ireland, they will be subject to these proposals.

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<sup>21</sup> [www.ofqual.gov.uk/qualifications-and-assessments/qualification-reform](http://www.ofqual.gov.uk/qualifications-and-assessments/qualification-reform)

## **Equality analysis**

- 6.6 We have carried out an equality analysis screening exercise and have discussed our proposals with our Equality Advisory Group<sup>22</sup> and the Access Consultation Forum.<sup>23</sup> We cannot see that any group with protected characteristics will be disproportionately affected by our proposals. This is because we are not proposing any changes to the actual properties of a qualification: rather we are changing how an awarding organisation must assure the quality of any estimate of size and how it must describe this. The proposed new definitions give users a clear idea of the typical learning time taken by students. Each student will be able to assess whether the requirements of the qualification will suit his or her needs. For example, a prospective student with a disability that makes travel difficult might wish to choose a specification for a qualification that involves significant amounts of unsupervised study (that is, Directed Study) and only a small amount of Guided Learning and Dedicated Assessment. Our new approach would give a clearer signal of such time commitments.
- 6.7 One of the reasonable adjustments to assessments is for a candidate meeting certain criteria to be granted extra time in an assessment. The proposals in this consultation paper have no implications for such arrangements.

**Question 14:** Are there any specific positive or negative impacts on people who share particular protected characteristics<sup>24</sup> that we should consider in relation to these proposals?

How could any negative impacts be avoided or reduced?

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<sup>22</sup> The Equality Advisory Group provides us with expert external advice on equality issues relating to the regulation of qualifications and assessments. Group members are appointed, following a competitive process, for their personal expertise and experience.

<sup>23</sup> The Access Consultation Forum is a multi-stakeholder group that supports our understanding of matters that affect disabled students accessing qualifications and assessments. The members of the group include representatives of awarding organisations and groups representing disabled students.

<sup>24</sup> Including those defined in the Equality Act 2010, namely: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex and sexual orientation.

## **Regulatory impact**

6.8 These proposals will have an impact on a wide range of awarding organisations that provide both general and vocational qualifications. Factors that will affect that impact will include:

- the number of qualifications the awarding organisation determines as relevant for 2008 Act purposes;
- the number of other qualifications where the awarding organisation chooses to allocate TQT values; and
- the adequacy of data and other evidence that the awarding organisation currently has to support the TQT values for each qualification and the extra work required to collect any further evidence needed.

6.9 We would expect that during the development of a qualification, awarding organisations already consider thoroughly the type and amount of learning time required. However, if the awarding organisation establishes that its estimates need to be updated, this will affect Credit and therefore any funding related to Credit.

6.10 Where awarding organisations assign TQT values, they will need to update the details on specifications and on the Register.

6.11 The transition period (proposed in paragraphs 5.8-5.12) may help to cushion the impact.

6.12 We believe that the significant benefit to users of a more effective regime for estimating the size of qualifications makes the additional costs to awarding organisations of our proposals proportionate. However, we would welcome further information on costs so that we can as appropriate reduce the impact; recognising that the new Guided Learning definition is required by statute, so is a given.

**Question 15:** What positive or negative regulatory impacts should we consider in relation to these proposals?

How could any negative impacts be avoided, reduced or managed?

## **Implications for other regulatory requirements**

- 6.13 We are currently consulting on a new General Condition E6 relating to the accreditation requirement on qualifications.<sup>25</sup> If we decide to proceed with the proposals in that consultation, we would need to make consequential changes to E6 in order to align the current reference to GLH with the outcomes of this consultation. We have set this consequential change out in Appendix B.
- 6.14 Awarding organisations are required by the General Conditions of Recognition to meet requirements set out in a specified list of 'regulatory documents'. Following this consultation, we will make any necessary consequential changes to the documents that currently reference GLH.<sup>26</sup>

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<sup>25</sup> *Lifting the Accreditation Requirement Consultation*: <http://comment.ofqual.gov.uk/lifting-the-accreditation-requirement>.

<sup>26</sup> These documents include:

- *Regulatory arrangements for the Qualifications and Credit Framework* (2008), available at: [www.ofqual.gov.uk/documents/regulatory-arrangements-for-the-qualifications-and-credit-framework](http://www.ofqual.gov.uk/documents/regulatory-arrangements-for-the-qualifications-and-credit-framework). These requirements are currently under review.
- *Criteria for Foundation, Higher and Advanced Diploma Qualifications* (2011), *Criteria for the foundation project* (2008), *Criteria for the higher project* (2008), *Criteria for the extended project* (2008), available at: [www.ofqual.gov.uk/ofdoc\\_categories/qualification-criteria](http://www.ofqual.gov.uk/ofdoc_categories/qualification-criteria) and [www.ofqual.gov.uk/files/2012-05-31-list-of-regulatory-documents-still-in-force.pdf](http://www.ofqual.gov.uk/files/2012-05-31-list-of-regulatory-documents-still-in-force.pdf).
- *Criteria for English for Speakers of other Languages (ESOL) qualifications* (2011), available at: [www.ofqual.gov.uk/ofdoc\\_categories/qualification-criteria](http://www.ofqual.gov.uk/ofdoc_categories/qualification-criteria).

## **7. Responding to the consultation**

### **Your details**

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please answer all questions marked with a star\*

**Name\***

.....

**Position\***

.....

**Organisation name (if applicable)\***

.....

**Address**

.....

.....

.....

.....

**Email**

.....

**Telephone**

.....

**Would you like us to treat your response as confidential?\***

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes  No

**Is this a personal response or an official response on behalf of your organisation?\***

Personal response (Please answer the question 'If you ticked 'personal views'...')

Official response (Please answer the question 'Type of responding organisation')

**If you ticked 'Personal response' which of the following are you?**

Student

Parent or carer

Teacher (but responding in a personal capacity)

Other, including general public (Please state below)

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**If you ticked 'Official response', please respond accordingly:**

**Type of responding organisation\***

Awarding organisation

Local authority

School or college (please answer the question below)

Academy chain

Private training provider

University or other higher education institution

Employer

Other representative or interest group (please answer the question below)



**School or college type**

- Comprehensive or non-selective academy
  - State selective or selective academy
  - Independent
  - Special school
  - Further education college
  - Sixth form college
  - Other (please state below)
- 

**Type of representative group or interest group**

- Group of awarding organisations
  - Union
  - Employer or business representative group
  - Subject association or learned society
  - Equality organisation or group
  - School, college or teacher representative group
  - Other (please state below)
- 

**Nation\***

- England
- Wales
- Northern Ireland
- Scotland
- Other EU country: \_\_\_\_\_

*Guided Learning Hours: A consultation on the relevance of qualifications for the  
Raising the Participation Age policy and estimating the size of qualifications*

Non-EU country: \_\_\_\_\_

**How did you find out about this consultation?**

Our newsletter or another one of our communications

Our website

Internet search

Other

\_\_\_\_\_

**May we contact you for further information?**

Yes     No

## Questions

**Question 1:** Are there any activities where you would be in doubt as to whether they should be included in 'Guided Learning'?

.....  
.....

**Question 2:** "The proposed definition of 'Directed Study' is clear and appropriate."

What is your view of this statement?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer.

.....  
.....

Are there any activities where you would be in doubt as to whether they should be included in 'Directed Study'?

.....  
.....

Do you have any other comments or suggestions about this definition?

.....  
.....

**Question 3:** "The proposed definition of 'Dedicated Assessment' is clear and appropriate."

What is your view of this statement?

- Strongly agree

- ( ) Agree
- ( ) Neither agree nor disagree
- ( ) Disagree
- ( ) Strongly disagree

Please give reasons for your answer.

.....

.....

Are there any activities where you would be in doubt as to whether they should be included in 'Dedicated Assessment'?

.....

.....

Do you have any other comments or suggestions about this definition?

.....

.....

**Question 4:** Do you have any other comments on the three components of Total Qualification Time? For example, are there other parts of learning time or activities that you expect the definitions to cover that they do not? If so, what are they?

.....

.....

.....

**How we will regulate: our new approach**

**Question 5:** Do you have any comments about our proposed General Conditions?

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.....

Which paragraphs are clear and helpful? Why?

.....

.....

Which paragraphs do you feel need to be clearer? Why?

.....  
.....  
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**Question 6:** What Guidance would be most helpful to you in relation to the proposed General Condition E7? Why is this? You may wish to consider what might be positive and negative indicators of compliance with the proposed General Condition.

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.....

**Question 7:** Is there anything else we should reasonably expect an awarding organisation to consider when determining a qualification’s relevance for the Raising the Participation Age policy (relevance ‘for 2008 Act purposes’)?

.....  
.....

**Question 8:** “The Criteria document will help awarding organisations in making the required determination of a qualification’s relevance for 2008 Act purposes.”

What is your view of this statement?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer.

.....  
.....

**Question 9:** Are there other methods we should reasonably expect an awarding organisation to consider when calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment?

.....  
.....  
.....

**Question 10:** "The Criteria document will help awarding organisations in calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment."

What is your view of this statement?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer.

.....  
.....

**Question 11:** What are your views on the proposed wording of the draft new Criteria?

.....  
.....

Which sections are clear and helpful? Why?

.....  
.....

Which sections do you feel need to be clearer? Why?

.....

.....  
To what extent will these Criteria help awarding organisations to make the required determinations?  
.....  
.....

## **Implementation**

**Question 12:** “Our proposals will have no impact on Credit values, unless the awarding organisation establishes that its previous estimate of the size of a qualification needs to be changed.”

What is your view of this statement?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer.

.....  
.....

If you feel there are other implications for Credit, what are they?

.....  
.....

Do you have any other comments?

.....  
.....

**Question 13:** What would be a reasonable length of time after the introduction of a new approach for an awarding organisation to evaluate hours of Guided Learning, Directed Study and Dedicated Assessment for its qualifications? Why is that?

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.....

## **Equality impact**

**Question 14:** Are there any specific positive or negative impacts on people who share particular protected characteristics<sup>27</sup> that we should consider in relation to these proposals?

.....

.....

How could any negative impacts be avoided or reduced?

.....

.....

## **Regulatory impact**

**Question 15:** What positive or negative regulatory impacts should we consider in relation to these proposals?

.....

.....

How could any negative impacts be avoided, reduced or managed?

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<sup>27</sup> Including those defined in the Equality Act 2010, namely: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex and sexual orientation.



## **Accessibility of our consultations**

We are looking at how we provide accessible versions of our consultations and would appreciate it if you could spare a few moments to answer the following questions.

Your answers to these questions will not be considered as part of the consultation and will not be released to any third-parties.

**We want to write clearly, directly and put the reader first. Overall, do you think we have got this right in this consultation?**

Yes  No

**Do you have any comments or suggestions about the style of writing?**

.....  
.....

**Do you have any special requirements to enable you to read our consultations? (For example screen reader, large text, and so on)\***

Yes  No

**Which of the following do you currently use to access our consultation documents? (Select all that apply)\***

- Screen reader / text-to-speech software
- Braille reader
- Screen magnifier
- Speech to text software
- Motor assistance (blow-suck tube, mouth stick, etc.)
- Other:

**Which of the following document formats would meet your needs for accessing our consultations? (Select all that apply)\***

- A standard PDF
- Accessible web pages
- Large type PDF (16 point text)
- Large-type word document (16 point text)
- eBook (Kindle, iBooks or similar format)
- Braille document
- Spoken document
- Other:

**How many of our consultations have you read in the last 12 months?\***

- 1
- 2
- 3
- 4
- 5
- More than 5

## **Appendix A: Background on relevant legislation**

This Appendix provides further information about:

- legislation relating to the Government's Raising the Participation Age (RPA) policy;
- our statutory duties over Guided Learning;
- whether a qualification is relevant for the Government's RPA policy; and
- the statutory duty on awarding organisations to assign GLH.

### **Legislation relating to Raising the Participation Age**

The 2008 Act introduced a new duty so that all young people in England are now required to continue in education or training beyond the age of 16. This is termed the 'duty to participate' and is at the heart of the Government's RPA policy.

This means that pupils who left Year 11 in summer 2013 have needed to continue in education or training for at least a further year until 27th June 2014 and pupils who started Year 11 or below in September 2013 need to continue in education or training until at least their 18th birthday.

This does not necessarily mean staying in school. Young people can participate through full-time education, work or volunteering combined with part-time education or training, or by undertaking an apprenticeship or traineeship.

If a young person is working full-time (over 20 hours per week) they should undertake part-time education or training alongside a job. Part-time study alongside full-time work must be of at least 280 GLH per year. That equates to about one day a week. These hours can be taken flexibly around working hours.

Part-time education and training does not have to be delivered by a specific organisation, but it must lead towards a regulated qualification or qualifications.

### **Our statutory duties over guided learning**

Our interest is in how an awarding organisation asks itself whether a qualification is relevant to the duty to participate: this property of a qualification is termed in the 2008 Act as being 'relevant for 2008 Act purposes'.

If an awarding organisation decides that a qualification is relevant for 2008 Act purposes, we have an interest in how the awarding organisation decides how many hours of guided learning it should assign to each 'form' of that qualification (that is, to a particular qualification specification).

Section 146(1) of the 2009 Act places a duty on us in relation to guided learning hours:

**Criteria for assignment of number of hours of guided learning**

- (1) Ofqual must set and publish criteria for determining –
- (a) whether a qualification is relevant for 2008 Act purposes, and
  - (b) in respect of a qualification which a recognised body<sup>28</sup> has determined is relevant for those purposes, the number of hours of guided learning that should be assigned to a form of the qualification.

Section 145(7) gives us the power to ‘review any determination’ made by an awarding organisation that we regulate. We may also ‘require the [awarding organisation] to revise any such determination’ in a way that we may specify. Section 145(8) states that:

Ofqual may assign to a form of the qualification awarded or authenticated by the [awarding organisation] a number of hours of guided learning; and if it does so, the [awarding organisation] is to be treated as having determined to assign that number of hours of guided learning to that form of the qualification.

**Whether a qualification is relevant for the Government’s Raising the Participation Age policy**

Under section 145 of the 2009 Act an awarding organisation must decide whether a qualification ‘is relevant for 2008 Act purposes’. Section 145(9) states that a qualification is relevant:

if there are, or may reasonably be expected to be, persons seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the Education and Skills Act 2008 (c.25) (duty to participate in education or training).

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<sup>28</sup> We refer to a recognised body as an awarding organisation.

## **The statutory duty on awarding organisations to assign guided learning hours**

An awarding organisation is required by section 145(10) of the 2009 Act to assign to a qualification it determines as being relevant for the RPA policy a number of GLH:

representing an estimate of the amount of actual guided learning which could reasonably be expected to be required in order for persons to achieve the standards required to attain the qualification.

Section 145(11) of the 2009 Act – echoing the 2008 Act - defines ‘actual guided learning’ as the

time a person spends –

(a) being taught or given instruction by a lecturer, tutor, supervisor or other appropriate provider of training or education, or

(b) otherwise participating in education or training under the immediate guidance or supervision of such a person,

but does not include time spent on unsupervised preparation or study, whether at home or otherwise.

In contrast, as we note above, the Regulatory Arrangements for the Qualifications and Credit Framework<sup>29</sup> define GLH as:

The number of hours of teacher-supervised or directed study time required to teach a qualification or a unit of a qualification.

This is the definition of GLH that is widely used by awarding organisations. The definition includes ‘directed study time’ (for example this may be independent research, music practice or work experience required in order for a student to complete a qualification) as well as teacher-supervised time. In contrast, the definition of guided learning in the 2008 and 2009 Acts excludes the unsupervised study time.

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<sup>29</sup> [www.ofqual.gov.uk/documents/regulatory-arrangements-for-the-qualifications-and-credit-framework](http://www.ofqual.gov.uk/documents/regulatory-arrangements-for-the-qualifications-and-credit-framework)

## **Appendix B: General Conditions and Criteria**

This Appendix sets out the following:

- a proposed new General Condition of Recognition (E7) relating to the determination of qualifications' relevance for 2008 Act purposes and Total Qualification Time;
- proposed additions to General Condition J1 relating to definitions of key elements of the proposed new General Condition E7;
- proposed amendments to the General Condition E6 which confirms that all regulated qualifications must appear on the Register of Regulated Qualifications (proposed as part of the current *Lifting the Accreditation Requirement Consultation*<sup>30</sup>); and
- proposed new Total Qualification Time Criteria regarding the determination of qualifications' relevance for 2008 Act purposes and the calculation of Total Qualification Time.

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<sup>30</sup> *Lifting the Accreditation Requirement Consultation*: <http://comment.ofqual.gov.uk/lifting-the-accreditation-requirement>

## **Proposed new General Condition of Recognition E7 – Guided Learning Hours and Total Qualification Time**

### **Condition E7 Guided Learning Hours and Total Qualification Time**

#### **Determining whether qualifications are relevant for 2008 Act purposes**

- E7.1 An awarding organisation must, in relation to each qualification which it makes available or proposes to make available –
- (a) determine whether or not the qualification is relevant for 2008 Act purposes; and
  - (b) in making that determination, apply the Total Qualification Time Criteria (the ‘TQT Criteria’).
- E7.2 An awarding organisation must review each determination made by it, and revise that determination if appropriate, following any revision by Ofqual to the TQT Criteria.
- E7.3 An awarding organisation must revise any determination made by it in any manner required by Ofqual following a review of that determination by Ofqual.
- E7.4 The provisions of Conditions E7.1 to E7.3 do not apply in respect of Northern Ireland-only qualifications.

#### **Effect of the determination**

- E7.5 Where an awarding organisation determines that a qualification is relevant for 2008 Act purposes, it must assign to that qualification a number of hours for –
- (a) Guided Learning,
  - (b) Directed Study, and
  - (c) Dedicated Assessment,
- (together, the ‘Total Qualification Time’).
- E7.6 Where an awarding organisation determines that a qualification is not relevant for 2008 Act purposes it may assign to that qualification a number of hours in respect of any element of the Total Qualification Time, but, where it does so, it must also assign to that qualification a number of hours in respect of every element of the Total Qualification Time.

### **Total Qualification Time**

- E7.7 An awarding organisation must, in assigning to a qualification a number of hours in respect of any element of the Total Qualification Time, apply the TQT Criteria.
- E7.8 An awarding organisation must –
- (a) keep under review the number of hours it has assigned to each qualification in respect of each element of the Total Qualification Time,
  - (b) in particular review that number of hours assigned following any revision by Ofqual to the TQT Criteria, and
  - (c) revise that number of hours if appropriate.
- E7.9 Following any review by Ofqual of the number of hours assigned to a qualification in respect of any element of the Total Qualification Time, an awarding organisation must –
- (a) in the case of a qualification which it has determined is relevant for 2008 Act purposes, revise that number in any manner required by Ofqual, and
  - (b) in the case of a qualification which it has determined is not relevant for 2008 Act purposes, either revise that number in any manner required by Ofqual or no longer assign a number of hours in respect of any element of the Total Qualification Time to that qualification.

### **The qualification specification**

- E7.10 An awarding organisation must ensure that the specification for each qualification which it makes available or proposes to make available –
- (a) in the case of a qualification which it has determined is relevant for 2008 Act purposes, sets out that determination,
  - (b) in the case of a qualification to which it has assigned a number of hours in respect of any element of the Total Qualification Time, sets out that number, and
  - (c) in each case, is amended when the awarding organisation makes any revision to that determination or number of hours.



## **Application**

E7.11 Conditions E7.1 to E7.10 shall not apply to an awarding organisation until such date as is specified in, or determined under, any notice in writing issued by Ofqual to the awarding organisation under this paragraph.

E7.12 Any such notice issued by Ofqual may be –

- (a) subject to any conditions that Ofqual specifies (which may include conditions placing requirements on an awarding organisation as to its conduct prior to the date specified in or determined under it),
- (b) issued to an individual awarding organisation or to any group of awarding organisations,
- (c) varied by Ofqual at any time prior to the date specified in or determined under it.

E7.13 Where Ofqual makes such a notice subject to conditions, an awarding organisation to which the notice is issued must comply with any requirements that are imposed on it in accordance with those conditions.

## **Interpretation**

E7.14 For the purposes of this Condition –

- (a) references to a 'qualification' are references to the qualification as a whole and not to individual units,
- (b) the '2008 Act' is the Education and Skills Act 2008,
- (c) a qualification is treated as relevant for 2008 Act purposes if there are, or may reasonably be expected to be, persons seeking to obtain it for the purposes of discharging the duty under section 2(1)(c) of that Act (duty to participate in education or training),
- (d) a 'Northern Ireland-only qualification' means a qualification in respect of which the persons who are, or who may reasonably be expected to be, seeking to obtain the qualification are, will be or may reasonably be expected to be assessed for those purposes wholly in Northern Ireland, and
- (e) in Conditions E7.6 to E7.10, any reference to a qualification which has been determined as not relevant for 2008 Act purposes shall be treated as including a reference to Northern Ireland-only qualifications.

## **Proposed additions to General Condition J1**

### **Condition J1 Interpretation and Definitions**

The following additional definitions are to be inserted in the appropriate alphabetical location within General Condition J1.

#### **Dedicated Assessment**

The participation of a Learner in the activity of being assessed for a qualification, where the assessment is subject to Invigilation but takes place without the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

#### **Directed Study**

The activity of a Learner in preparation, study or any other form of participation in education or training 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.

For these purposes the activity of 'participating in education or training' shall be treated as including the activity of being assessed if the assessment is not subject to Invigilation and 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**

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 with the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

#### **Immediate Guidance or Supervision**

The guidance or supervision provided to a Learner by a lecturer, supervisor, tutor or other appropriate provider of education or training –

- (a) with the simultaneous physical presence of the Learner and that person, or
- (b) remotely by means of simultaneous electronic communication.

For these purposes, the activity of Invigilation is not to be regarded as a form of guidance or supervision.

### **Invigilation**

The supervision by an appropriate person of Learners who are participating in the activity of being assessed for a qualification, where such supervision involves neither any teaching nor the giving of any guidance or direction beyond that which is necessary to convey instructions for the carrying out of the assessment or otherwise for the effective management of the assessment activity.

### **Total Qualification Time**

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, in undertaking each of the activities of Guided Learning, Directed Study and Dedicated Assessment.

### **Total Qualification Time Criteria (or 'TQT Criteria')**

The TQT Criteria are criteria that are set and published by Ofqual for (i) the purposes set out at section 146 of the Act, and (ii) the purpose of determining the number of hours of Directed Study and Dedicated Assessment that should be assigned to a qualification by an awarding organisation. The TQT Criteria may be set out in more than one document.

## The general accreditation requirement

As part of our current consultation concerning the general accreditation requirement,<sup>31</sup> we have proposed to introduce a new General Condition to make it clear that an awarding organisation is responsible for making sure that every regulated qualification that it offers is included on the Register, even if that qualification is not subject to an accreditation requirement. This will allow us to continue to meet our legal duty to publish a register that lists all regulated qualifications should, as we have proposed, we remove the current general accreditation requirement.

This proposed new General Condition E6 regarding the accreditation requirement, as set out in the *Lifting the Accreditation Requirement Consultation*, refers to 'a number of hours of guided learning'.<sup>32</sup> If we do proceed with our proposals as outlined in both this consultation and the *Lifting the Accreditation Requirement Consultation*, we will need to make consequential changes to the wording of General Condition E6.2(b) to reflect the concept of Total Qualification Time. We would do so by making the consequential change below to the proposed new General Condition E6.2(b).

### Condition E6<sup>33</sup>

- E6.1 An awarding organisation must not make available a qualification unless it has first submitted that qualification to the Register.
- E6.2 An awarding organisation must ensure that its submission of a qualification to the Register:
- (a) is in a form that may be published by Ofqual and revised from time to time
  - (b) includes such information as may be required in accordance with Condition E7.10

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<sup>31</sup> *Lifting the Accreditation Requirement Consultation*: <http://comment.ofqual.gov.uk/lifting-the-accreditation-requirement>

<sup>32</sup> In *Lifting the Accreditation Requirement Consultation* General Condition E6.2(b) reads 'includes the number of hours of guided learning that the awarding organisation has assigned to the qualification'.

<sup>33</sup> Condition J1.2(i) of the General Conditions of Recognition provides that all references to a qualification in the General Conditions are to a regulated qualification.

*Guided Learning Hours: A consultation on the relevance of qualifications for the Raising the Participation Age policy and estimating the size of qualifications*

- (c) contains only accurate information, and
- (d) contains all information about the qualification that is requested on the form.

## **Total Qualification Time Criteria**

The proposed new Total Qualification Time Criteria is a statutory document regarding the determination of qualifications' relevance for 2008 Act purposes and the calculation of Total Qualification Time.

### **1 Introduction**

#### **About this document**

- 1.1 This document sets out the criteria set and published by Ofqual under section 146 of the Apprenticeships, Skills, Children and Learning Act 2009 ('the 2009 Act') and General Condition E7 of the General Conditions of Recognition.
- 1.2 The criteria set out in this document apply to all awarding organisations in respect of qualifications regulated by Ofqual.
- 1.3 In order to meet the requirements of section 145 of the 2009 Act with respect to a qualification which it makes available, or proposes to make available, an awarding organisation must:
  - (a) determine whether that qualification is a relevant qualification for the purposes of the Education and Skills Act 2008 ('the 2008 Act')<sup>34</sup>, and
  - (b) if it is relevant, determine a number of hours for Guided Learning<sup>35</sup> to be assigned to that qualification.
- 1.4 Section 145(5) of the 2009 Act requires an awarding organisation to apply the criteria in this document when making each of the determinations in paragraphs 1.3(a) and (b).
- 1.5 The requirements of section 145 of the 2009 Act outlined above are mirrored in General Conditions E7.5(a) and E7.7.

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<sup>34</sup> Under General Condition E7.14(c) and section 145(9) of the 2009 Act, a qualification will be relevant for 2008 Act purposes if there are, or may reasonably be expected to be, persons seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the 2008 Act (the duty to participate in education or training).

<sup>35</sup> Terms in this document should be interpreted in line with General Condition J1, apart from references to a 'qualification' which, under General Condition E7.14(a), are references to a qualification as a whole and not to individual units.

- 1.6 In addition, General Conditions E7.5(b) and (c) require an awarding organisation to also assign a number of hours for Directed Study and Dedicated Assessment to each qualification which it determines to be relevant for 2008 Act purposes.
- 1.7 Under General Condition E7.6, where an awarding organisation determines that a qualification is not relevant for 2008 Act purposes, it may still assign a number of hours to that qualification for Guided Learning, Directed Study and Dedicated Assessment (together the 'Total Qualification Time'). Where it assigns a number of hours for one element of the Total Qualification Time it must assign a number of hours for every element.
- 1.8 General Condition E7.7 requires an awarding organisation to apply the criteria set out in this document when assigning a number of hours to a qualification in respect of each element of Total Qualification Time.
- 1.9 The rest of this document is structured as follows:
  - (a) Section 2 sets out the criteria to be applied by an awarding organisation in determining whether a qualification is relevant for 2008 Act purposes.
  - (b) Section 3 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Guided Learning to assign to a qualification.
  - (c) Section 4 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Directed Study to assign to a qualification.
  - (d) Section 5 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Dedicated Assessment to assign to a qualification.

## **2 Criteria for determining whether a qualification is relevant for 2008 Act purposes**

- 2.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under sections 145(2) and (3)(a) of the 2009 Act and General Condition E7.1(a), whether each qualification which it makes available, or proposes to make available, is relevant for 2008 Act purposes.
- 2.2 In making such a determination, an awarding organisation must apply each of the criteria in paragraphs 2.3 to 2.9.

## **The criteria**

### **Information gathering**

- 2.3 An awarding organisation must take reasonable steps to gather information as to whether any Learner is, or may reasonably be expected to be, seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the 2008 Act (the duty to participate in education or training).
- 2.4 In particular, an awarding organisation must take reasonable steps to ascertain whether any of the factors listed in paragraphs 2.5 and 2.6 apply to a qualification.

### **Relevant factors**

- 2.5 A qualification is likely to be relevant for 2008 Act purposes if a Learner aged 16 or 17 years old:
- (a) has previously taken the qualification while at the same time being in full-time occupation,<sup>36</sup> or
  - (b) is, at the time of the determination, participating in training or education towards the qualification, provided by a course or courses, while at the same time being in full-time occupation.
- 2.6 A qualification is unlikely to be relevant for 2008 Act purposes if:
- (a) the qualification requires the use or demonstration of skills where the use of such skills by a person under the age of 18 years old would be undesirable for health and safety reasons,
  - (b) for any other reason the awarding organisation will not accept registration for the qualification by a person under the age of 18 years old,
  - (c) the size of the qualification is such that it would be difficult for a Learner to take that qualification while at the same time being in full-time occupation,

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<sup>36</sup> The term 'full-time occupation' is defined in section 5 of the 2008 Act as working for 20 hours or more per week under a contract of employment or in any other way which may be prescribed in regulations. At the date of publication of this document, alternative ways of working which have been prescribed by regulations are working (a) as a self-employed person, (b) otherwise than for reward, and (c) as the holder of an office (Duty to Participate in Education or Training (Alternative Ways of Working) Regulations 2013).



- (d) the qualification requires prior achievement (such as the completion of another qualification or work experience) that a Learner under the age of 18 years old is unlikely to have, or
- (e) the qualification is at a higher level than GCE A level or equivalent.

### **Making and recording a determination**

- 2.7 In determining whether a qualification is relevant for 2008 Act purposes, an awarding organisation must have due regard to all of the relevant information available to it and any applicable factors in paragraphs 2.5 and 2.6.
- 2.8 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraphs 2.3 and 2.4 for so long as it continues to offer the qualification.
- 2.9 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all of the supporting evidence which it has retained under paragraph 2.8.

### **3 Criteria for assigning to a qualification a number of hours for Guided Learning**

- 3.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under section 145(3)(b) of the 2009 Act and General Condition E7.5(a) or General Condition E7.6, a number of hours for Guided Learning to assign to a qualification.
- 3.2 An awarding organisation must determine the number of hours for Guided Learning to be assigned to a qualification which it proposes to make available applying the criteria in paragraphs 3.5 to 3.8, as relevant.
- 3.3 An awarding organisation must determine the number of hours for Guided Learning to be assigned to a qualification which it already makes available applying the criterion in paragraph 3.9.
- 3.4 In all cases an awarding organisation must comply with the criteria in paragraphs 3.10 to 3.12.

#### **The criteria**

##### **Qualifications which an awarding organisation proposes to make available**

- 3.5 Where all or part of the Guided Learning in respect of a qualification will be provided by an awarding organisation, the awarding organisation must:

- (a) where the awarding organisation provides Guided Learning in respect of one or more qualifications which are similar to the qualification for which the determination is being made ('Similar Qualifications'), calculate the number of hours of Guided Learning provided by the awarding organisation to a Learner in respect of each Similar Qualification, or
  - (b) where paragraph 3.5(a) does not apply, estimate the number of hours of Guided Learning which the awarding organisation is likely to provide to a Learner in respect of the qualification.
- 3.6 In arriving at any estimate under paragraph 3.5(b), an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.
- 3.7 Where all or part of the Guided Learning in respect of a qualification will be provided by one or more Centres and/or third parties, an awarding organisation must:
- (a) where Guided Learning in respect of a Similar Qualification is provided by one or more Centres and/or third parties, gather statements from a reasonable number of those Centres and third parties of the number of hours of Guided Learning which they provide to a Learner in respect of each Similar Qualification (whether made available by the awarding organisation or other awarding organisations), or
  - (b) where paragraph 3.7(a) does not apply, gather estimates from a reasonable number of Centres and/or third parties of the number of hours of Guided Learning which they would be likely to provide to a Learner in respect of the qualification.
- 3.8 When assigning a number of hours for Guided Learning to a qualification an awarding organisation must have due regard to:
- (a) any numbers calculated under paragraph 3.5(a) or any estimate arrived at under paragraph 3.5(b),
  - (b) any numbers gathered under paragraph 3.7(a) or any estimates gathered under paragraph 3.7(b), and
  - (c) in relation to any numbers gathered under paragraph 3.7(a) and any estimates gathered under paragraph 3.7(b), any relevant information which is reasonably available to the awarding organisation, including

information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.

### **Qualifications which an awarding organisation already makes available**

3.9 In respect of a qualification which it makes available, an awarding organisation must:

- (a) calculate the number of hours of Guided Learning which it provides to a Learner in respect of the qualification,
- (b) where any Guided Learning in respect of the qualification is provided by one or more Centres and/or third parties, gather statements from a reasonable number of those Centres and third parties in regard to the number of hours of such Guided Learning which those Centres and/or third parties provide to a Learner, and
- (c) assign a number of hours for Guided Learning to the qualification having due regard to the number calculated under paragraph 3.9(a) and the numbers gathered under paragraph 3.9(b).

### **Recording a determination**

3.10 Where a qualification contains a choice of optional routes which have differing numbers of hours for Guided Learning, an awarding organisation must assign the lowest number of those hours to that qualification.

3.11 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraphs 3.5(a), 3.6, 3.7, 3.8(c), and 3.9(b) for so long as it continues to offer the qualification.

3.12 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all supporting evidence which it has retained under paragraph 3.11.

## **4 Criteria for assigning to a qualification a number of hours for Directed Study**

4.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under General Condition E7.5(b) or General Condition E7.6, a number of hours for Directed Study to assign to a qualification.

- 4.2 An awarding organisation must determine the number of hours for Directed Study to be assigned to a qualification which it proposes to make available applying the criteria in paragraphs 4.5 to 4.10, as relevant.
- 4.3 An awarding organisation must determine the number of hours for Directed Study to be assigned to a qualification which it already makes available applying the criteria in paragraphs 4.11 to 4.14, as relevant.
- 4.4 In all cases an awarding organisation must comply with the criteria in paragraphs 4.15 to 4.17.

### **The criteria**

#### **Qualifications which an awarding organisation proposes to make available**

- 4.5 Where an awarding organisation makes available one or more Similar Qualifications, the awarding organisation must take reasonable steps to gather estimates from a reasonable number of Learners of the number of hours of Directed Study they undertake in respect of each Similar Qualification.
- 4.6 Where an awarding organisation provides Guided Learning to Learners in respect of a Similar Qualification, the awarding organisation must estimate the number of hours of Directed Study which an average Learner is likely to undertake in respect of each Similar Qualification.
- 4.7 Where Guided Learning is provided by one or more Centres and/or third parties in respect of a Similar Qualification, an awarding organisation must gather estimates from a reasonable number of those Centres and third parties of the number of hours of Directed Study which an average Learner is likely to undertake in respect of each Similar Qualification.
- 4.8 Where none of paragraphs 4.5, 4.6 or 4.7 apply, an awarding organisation must estimate the number of hours of Directed Study which it considers an average Learner is likely to undertake in respect of the qualification.
- 4.9 In arriving at any estimate under paragraph 4.8 an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.
- 4.10 When assigning a number of hours for Directed Study to a qualification an awarding organisation must have due regard to:
  - (a) any estimates gathered under paragraphs 4.5, 4.6 and 4.7,

- (b) in relation to those estimates under paragraph 4.10(a), any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service, and
- (c) any estimate arrived at under paragraph 4.8.

### **Qualifications which an awarding organisation already makes available**

4.11 Where all or part of the Guided Learning in respect of a qualification is provided by an awarding organisation, the awarding organisation must:

- (a) take reasonable steps to gather estimates from a reasonable number of Learners currently taking the qualification of the number of hours of Directed Study they undertake in respect of the qualification, and
- (b) estimate the number of hours of Directed Study which it considers that an average Learner is likely to undertake in respect of the qualification.

4.12 In arriving at any estimate under paragraph 4.11(b) an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.

4.13 Where all or part of the Guided Learning in respect of a qualification is provided by one or more Centres and/or third parties, an awarding organisation must:

- (a) take reasonable steps to gather estimates from a reasonable number of Learners currently taking the qualification of the amount of time they spend undertaking Directed Study in respect of the qualification, and
- (b) gather estimates from a reasonable number of those Centres and third parties of the number of hours of Directed Study they consider to be undertaken by an average Learner in respect of the qualification.

4.14 When assigning a number of hours for Directed Study to a qualification an awarding organisation must have due regard to:

- (a) any estimates gathered under paragraphs 4.11(a) and 4.13,
- (b) in relation to those estimates under paragraph 4.14(a), any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and

organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service, and

- (c) any estimate arrived at under paragraph 4.11(b).

### **Recording a determination**

4.15 Where a qualification contains a choice of optional routes which have differing numbers of hours for Directed Study, an awarding organisation must assign the lowest number of those hours to that qualification.

4.16 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraphs 4.5, 4.7, 4.9, 4.10(c), 4.11(a), 4.12, 4.13 and 4.14(b) for so long as it continues to offer the qualification.

4.17 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all supporting evidence which it has retained under paragraph 4.16.

## **5 Criteria for assigning to a qualification a number of hours for Dedicated Assessment**

5.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under General Condition E7.5(c) or General Condition E7.6, a number of hours for Dedicated Assessment to assign to a qualification.

5.2 An awarding organisation must determine the number of hours for Dedicated Assessment to be assigned to a qualification which it proposes to make available applying the criteria in paragraph 5.5.

5.3 An awarding organisation must determine the number of hours for Dedicated Assessment to be assigned to a qualification which it already makes available applying the criteria in paragraph 5.6.

5.4 In all cases an awarding organisation must comply with the criteria in paragraphs 5.7 to 5.9.

### **The criteria**

#### **Qualifications which an awarding organisation proposes to make available**

5.5 When assigning a number of hours for Dedicated Assessment to a qualification an awarding organisation must have due regard to:

- (a) where a Similar Qualification exists, the number of hours of Dedicated Assessment undertaken by a Learner in respect of each such Similar Qualification, and
- (b) any other relevant information which is reasonably available to the awarding organisation including:
  - i information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service,
  - ii information from relevant subject or assessment experts,
  - iii any professional or regulatory requirements with which the qualification is intended to comply (including, but not limited to, Ofqual's requirements), and
  - iv any requirement which the awarding organisation sets in respect of the time to be spent by a Learner in taking any portion of the Dedicated Assessments for the qualification.

**Qualifications which an awarding organisation already makes available**

5.6 When assigning a number of hours for Dedicated Assessment to a qualification an awarding organisation must have due regard to:

- (a) the number of hours of Dedicated Assessment undertaken by a Learner in respect of the qualification, and
- (b) any relevant information which is reasonably available to the awarding organisation including:
  - i information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service,
  - ii information from relevant subject or assessment experts,
  - iii any professional or regulatory requirements with which the qualification is intended to comply (including, but not limited to, Ofqual's requirements), and
  - iv any requirement which the awarding organisation sets in respect of the time to be spent by a Learner in taking any portion of the Dedicated Assessments for the qualification.

### **Recording a determination**

- 5.7 Where a qualification contains a choice of optional routes which have differing numbers of hours for Dedicated Assessment, an awarding organisation must assign the lowest number of those hours to that qualification.
- 5.8 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraphs 5.5 and 5.6 for so long as it continues to offer the qualification.
- 5.9 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all supporting evidence which it has retained under paragraph 5.8.



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