

Regulating Technical Qualifications

Consultation on Ofqual's approach to regulating
Technical Qualifications



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Foreword

We are pleased to present our first consultation on the new Technical Qualifications which form a part of the government's T Level study programme.

We welcome the government's vision to transform the technical education system in England, and view the T Level programme as an important development which aims to raise the status of technical education, and ensure that individuals develop the technical knowledge and skills needed by employers and industry.

The government has published its approach¹ for the introduction of T Levels. The Institute for Apprenticeships (the Institute) will have a central, statutory role in setting employer-led standards for each T Level and developing and approving new qualifications.

Through this, the Institute will have overall responsibility for the quality assurance of T Levels, and we look forward to working in collaboration with them in the delivery of our regulation of the new Technical Qualifications. We have already been working closely with the Institute to develop a framework which puts in place the contractual and regulatory levers needed to assure quality in the new Technical Qualifications.

This consultation on our regulatory approach to this new suite of Technical Qualifications is detailed and takes into account the government's clear policy intentions for the new Technical Qualifications as set out in their published Technical Annex² and seeks to align with the Institute's central role in T Levels.

If the T Level programme is to be viewed with similar esteem to other qualifications such as A levels, then the Technical Qualifications which form a large part of the course of study need to be high quality, reliable, comparable, of the right level of demand and have their standards trusted, both within each qualification, and over time. We are keen to see that the Technical Qualification, which will provide an engaging, motivating course of study, is deliverable in schools and colleges. The regulatory approach we set out in this consultation seeks to achieve these objectives.

The time period given for this consultation is short, but we think it is important that we consult quickly in order to ensure that the new Technical Qualifications are able to be developed to meet the timescale set out by government, with first teaching for the first 3 T Level programmes of study set to begin in 2020. This consultation is one part of a wider engagement process to inform our policy approach, and we are

¹ <https://www.gov.uk/government/consultations/implementation-of-t-level-programmes>

² <https://www.gov.uk/government/consultations/implementation-of-t-level-programmes>

holding a series of stakeholder engagement events so that you can come and tell us what you think about our proposals in person, as well as in writing. These events will be held on 23, 24, and 31 July in London, Coventry and Manchester respectively. Further information and details of how to register are available on our event page³. It is vital that Technical Qualifications, and the T Levels of which they form a part, are set up to succeed. We would therefore ask if you have an interest in these new qualifications, now and in the future, to please give us your views on the options and proposals set out here. We look forward to hearing from you.

³ <https://www.eventbrite.co.uk/e/ofqual-t-level-consultation-event-tickets-47767327362>

1. Consultation summary

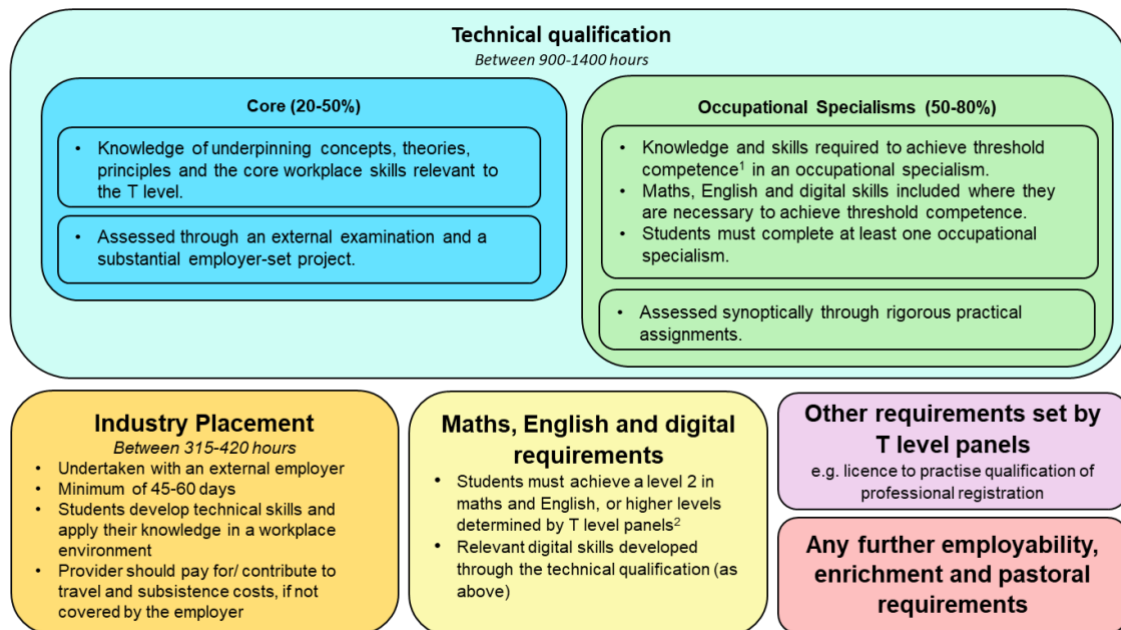
T Levels

- 1.1 T Levels will be level 3 classroom-based technical study programmes which will mainly be studied at an education or training provider. They have been designed primarily to support entry to skilled employment in technical occupations at level 3 and above. They will also support progression to higher education options including higher Technical Qualifications, higher apprenticeships, degree apprenticeships, and technical degrees.
- 1.2 They will allow students to study broad occupational areas before specialising in specific occupations. They also provide an opportunity for students to apply their knowledge and skills by completing a substantial work placement.
- 1.3 T Levels will consist of:
 - a Technical Qualification (TQ)
 - a T Level industry placement
 - maths and English (set at level 2 to align with requirements for level 3 apprenticeships)
 - any other occupation-specific requirements/qualifications, as set out by the relevant T Level panel eg licence to practise
 - any further employability, enrichment and pastoral (EEP) provision (as required in all study programmes)
- 1.4 Students must complete all of these to achieve a T Level; students will receive an overall grade for their T Level.
- 1.5 The diagram below illustrates the structure of the T Level programme:

T level programme

1800 hours over two years (with flexibility)

Students will need to achieve all components to achieve their T level certificate - Subject content set by T level panels



¹ Threshold competence is as close to full occupational competence as can be reasonably expected of students after two years of study in a provider based setting and must be validated by employers as sufficient to secure skilled employment in a relevant role.
² Students must achieve a minimum level of maths and English - this will be set at level 2 to align with requirements for level 3 apprenticeships. If not already attained, students can achieve this through a GCSE standard pass or a level 2 Functional Skills qualification. Under the Maynard recommendations, those with a care plan taking apprenticeships may have different entry level requirements for English and maths.

Technical Qualifications

- 1.6 Each T Level will include a new, substantial, level 3 Technical Qualification based on outline content devised by T Level panels. The Institute will oversee T Levels and the Technical Qualifications within them; Ofqual will regulate the Technical Qualification. Technical Qualifications within T Levels are based on the same employer-designed standards used in apprenticeships.
- 1.7 The government has set out in a Technical Annex⁴ the key design features for the Technical Qualification. The purpose of the Technical Qualification is to ensure students have the knowledge, skills and behaviours needed to progress into skilled employment or higher level technical training relevant to the T Level.

⁴ <https://www.gov.uk/government/consultations/implementation-of-t-level-programmes>

1.8 Each Technical Qualification will be assessed through:

- a Core that is split into 2 parts:
 - core underpinning knowledge and understanding (which is intended to be an exam)
 - core skills and aspects of core knowledge (which is intended to be assessed through a project)

Both parts of the Core will be relevant to the occupations covered by the T Level.

- Occupational Specialism(s): a practical assignment focussed on assessing occupationally specific knowledge, skills and behaviours relevant to each occupation covered by the T Level (a student may take more than one Occupational Specialism component)

1.9 Students will receive separate grades for the Core and for each Occupational Specialism taken.

1.10 Technical Qualifications are based on outline content produced by T Level panels and will be available across 11 routes⁵. Each route will have one or more pathways that group together occupations with shared technical knowledge, skills and behaviours. Each pathway will represent a T Level, which will include a Technical Qualification.

1.11 Each Technical Qualification will be offered by a single awarding organisation, through a contract with the Institute. There are expected to be approximately 25 T Levels (and associated Technical Qualifications) available across these 11 routes.

1.12 T Levels are being introduced in phases with 3 intended for first teaching from 2020. The T Levels and associated Technical Qualifications being introduced in 2020 are:

- digital production, design and development (digital route)
- design, surveying and planning (construction route)
- education and childcare (education and childcare route)

⁵ childcare and education; construction; digital; engineering and manufacturing; health and science; legal, finance and accounting; agriculture, environmental and animal care; management and administration; hair and beauty; creative and design; catering and hospitality.

1.13 Further T Levels and Technical Qualifications will be introduced in 2021, 2022 and 2023.

Our proposals

1.14 In order to regulate Technical Qualifications in a way that meets our statutory objectives, we propose to put in place Qualification Level Conditions and Guidance. Through our regulation, we want to:

- ensure that skills and knowledge are assessed reliably to provide an accurate indication of candidates' abilities
- secure comparability where the same content is assessed in different Technical Qualifications
- secure comparability where it is appropriate to do so between occupational specialisms
- maintain grade standards over time within each Technical Qualification
- ensure a consistent and appropriate level of demand

1.15 Set out below is an overview of the different sections and proposals that are covered in this consultation.

Design rules

- [Qualification purpose](#)
- [Assessment structure](#)
- [Number of assessments](#)
- [Assessment availability](#)
- [Retakes](#)
- [Prior learning](#)
- [Grading](#)
- [Results and certification](#)

Regulating Technical Qualifications

- [Accreditation requirement](#)
- [Assessment strategies](#)
- [Outline content](#)
- [Assessment objectives](#)
- [Setting and marking assessments](#)
- [Controls on taking assessments](#)
- [Reviewing and appealing results](#)
- [General Conditions and structure](#)

Setting and maintaining grade standards

- [Core](#)
- [Occupational Specialisms](#)

Key areas

1.16 Technical Qualifications are new qualifications, and as such, we are consulting here on our policy approach to regulating all parts of the Technical Qualification. We would welcome your views on all aspects of this consultation. We recognise, however, that given the scale of our proposals, respondents may not wish to respond to the whole consultation. Please respond to those areas that are of interest to you. We are particularly interested in the areas set out below. We would encourage you to read each section to help you understand our proposals and the reasons for them.

- [Setting and marking assessments \(page 38\)](#)
- [Results and certification \(page 30\)](#)
- [Retakes \(page 24\)](#)

2. Background

Government consultation

2.1 In July 2016, the government published the report of the *Independent Panel on Technical Education and the Post-16 Skills Plan*⁶ setting out its plans for reforming the technical education system. One aspect of this was the introduction of the T Level reform programme. The government set out its *T Level action plan*⁷ in October 2017 and consulted on the *Implementation of T Level programmes*⁸ in November 2017. It announced its decisions⁹ following this consultation in May 2018.

T Level oversight

2.2 The Institute has statutory responsibility for all aspects of the T Level programme. This includes the Technical Qualification. While Ofqual will regulate the Technical Qualification, and proposes to put in place an accreditation process, overall approval of the Technical Qualification will lie with the Institute.

2.3 The Institute will procure and award the contract to the successful awarding organisation to deliver a Technical Qualification. The Institute will work with the awarding organisation to monitor the qualification when it is being delivered to ensure the quality of the Technical Qualification is maintained throughout the duration of the contract. Ofqual will work alongside the Institute, regulating the Technical Qualification to ensure that candidates' abilities are assessed reliably, and that standards and public confidence in the Technical Qualification are maintained over time. The Institute and Ofqual will work closely together to reduce duplication and unnecessary burden on awarding organisations offering Technical Qualifications where this is possible.

2.4 The Institute will approve outline content developed by T Level panels of employers. The Institute will be responsible, working with employers, for determining the standard for threshold competence for each Technical Qualification. Ofqual will be responsible for ensuring that these standards are maintained over time, and that awarding organisations put in place robust

⁶ <https://www.gov.uk/government/publications/post-16-skills-plan-and-independent-report-on-technical-education>

⁷ <https://www.gov.uk/government/publications/post-16-skills-plan-and-independent-report-on-technical-education>

⁸ <https://consult.education.gov.uk/technical-education/implementation-of-t-level-programmes/>

⁹ <https://www.gov.uk/government/consultations/implementation-of-t-level-programmes>

arrangements for doing this, including ensuring that the standard continues to meet the needs of employers.

- 2.5 We have set out how we will work with the Institute in the *Institute-Ofqual Quality Framework for the Technical Qualifications*, which is included in Appendix B.

Regulatory conditions for Technical Qualifications

- 2.6 We will regulate Technical Qualifications against our *General Conditions of Recognition*¹⁰. We are also seeking views through this consultation on our proposal to put in place additional Technical Qualification-specific Conditions and guidance. Awarding organisations and the Technical Qualifications they offer will need to meet all relevant Conditions on an ongoing basis.
- 2.7 Awarding organisations that offer a Technical Qualification will need to be, or become, Ofqual-recognised awarding organisations, and the Technical Qualification(s) they offer will need to be included within their scope of recognition. We are proposing that the Technical Qualifications they offer will need to be accredited by Ofqual.
- 2.8 Ofqual is not responsible for regulating the overall T Level. Where regulated qualifications are used for other parts of the T Level programme (for example as part of the maths or English or occupation-specific requirements) we will regulate these as standalone qualifications. Other than those aspects that are regulated qualifications, we are not responsible for regulating the other aspects of the T Level programme.
- 2.9 Our regulations will apply to Technical Qualifications taken in England as part of the T Level programme. We understand that government is considering whether Technical Qualifications may also be offered outside England. Because these qualifications would be the same as those available in England, our regulations would also apply in those circumstances.

Timelines

- 2.10 The first 3 Technical Qualifications will be introduced for first teaching in 2020. The Department for Education (DfE) plans to launch an invitation to tender in September 2018 for awarding organisations wishing to bid to offer these Technical Qualifications. It will award contracts to each of the successful bidders in February 2019. Awarding organisations will then develop the

¹⁰ <https://www.gov.uk/government/publications/general-conditions-of-recognition>

Technical Qualifications and they are expected to be accredited by Ofqual and approved by the Institute by February 2020 ahead of first teaching in September 2020. DfE has already selected the first colleges and schools that will deliver T Levels within these timelines¹¹.

- 2.11 To support these timelines, we are consulting now on our proposed approach to regulating Technical Qualifications. This consultation will run until 6 August and we will announce our decisions about how we will regulate Technical Qualifications in September alongside the launch of the invitation to tender.
- 2.12 We will follow this policy consultation with a more detailed technical consultation, seeking views on the exact wording of the Conditions and guidance we propose to use to implement our approach. We expect this consultation to run from September. Based on responses to the technical consultation, we intend to publish our final Conditions and guidance for Technical Qualifications in December so that awarding organisations are clear, as they develop their Technical Qualifications, what Conditions and guidance they will have to meet.

¹¹ www.gov.uk/government/publications/providers-selected-to-deliver-t-levels-in-academic-year-2020-to-2021

3. Our proposals – design rules

- 3.1 The government has set out its intentions for Technical Qualifications in its technical annex¹², following consultation¹³. We have considered these intentions as we have developed our approach to regulating Technical Qualifications.
- 3.2 In addition to considering what is in the Technical Annex, we have also had to balance our other objectives and duties, including our statutory objectives set out in the Apprenticeship, Skills, Children and Learning Act 2009, the duty not to impose or maintain unnecessary burdens and our public sector equality duty. In particular, we have considered the need to:

secure that the qualifications we regulate give

- a) a reliable indication of knowledge, skills and understanding
- b) indicate
 - i. a consistent level of attainment (including over time) between comparable regulated qualifications
 - ii. a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) [that we do not regulate]

and:

promote public confidence in regulated qualifications

- 3.3 We set out below our proposed approach to regulating Technical Qualifications.

Qualification purpose

- 3.4 The government has set out the intended purpose for Technical Qualifications in its Technical Annex. It sets out that Technical Qualifications should:

- provide reliable evidence of students' attainment in relation to:
 - the core knowledge and skills relevant to the route and occupational specialisms covered by the qualification
 - the knowledge, skills and behaviours required for at least one occupational specialism relevant to the qualification

¹² <https://www.gov.uk/government/consultations/implementation-of-t-level-programmes>

¹³ <https://www.gov.uk/government/consultations/implementation-of-t-level-programmes>

- be up-to-date, ensuring the knowledge, skills and behaviours needed for the occupations have continued currency among employers and other end-users
- ensure maths, English and digital skills are developed and applied where they are essential to achieve occupationally relevant outcomes
- ensure the minimum pass grade standard for occupational specialisms attests to threshold competence, meets employer expectations, and is as close to full occupational competence as possible
- allow end users to accurately identify students' level of attainment and effectively differentiate their performance
- provide a clear and coherent basis for development of suitably demanding high quality level 3 courses, which enable students to realise their potential
- provide students with the opportunity to manage and improve their own performance
- support fair access to attainment for all students who take the qualification, including those with SEND¹⁴

3.5 We consider it important for a qualification to have a clear purpose so that users are clear about what the qualification should do. The purpose is also helpful to determine if the qualification is sufficiently valid and is measuring what it is intended to measure.

3.6 In other qualifications where the government has set out an intended purpose, we have taken the decision to set the purpose out as part of our regulatory requirements documents. We therefore propose to include a qualification purpose, consistent with the purpose set out in the Technical Annex, in our Qualification Level Conditions document for Technical Qualifications. We propose that the qualification purpose in our regulatory requirements should focus on those aspects of the qualification purpose that align most closely to securing sufficiently valid qualifications and to securing our statutory objectives. In line with our approach in other qualifications, we do not propose to make this a Condition, but instead propose to include it as part of the introductory section to the Conditions, as all of our requirements should be read in the context of the qualification purpose.

¹⁴ Special educational needs and disability

3.7 We have developed our proposed requirements for Technical Qualifications with the intention that they should fulfil the purposes set out below:

- provide reliable evidence of students' attainment in relation to:
 - the core knowledge and skills relevant to the route and pathway
 - the knowledge, skills and behaviours required for at least one Occupational Specialism relevant to the qualification
- indicate where students would be able to take up an occupational role by ensuring the minimum pass grade standard for Occupational Specialisms attests to this, meets employer expectations, and is as close to full occupational competence as possible for the course of study
- enable users to accurately identify and differentiate students' level of attainment
- along with other performance indicators that form part of a T Level, provide (where required) a basis for accountability measures at age 18

Question 1

Do you have any comments on the way that the purpose for Technical Qualifications (in paragraph 3.7) which we propose to set out in our Qualification Level Conditions document is described?

Assessment structure

Core and Occupational Specialisms

3.8 The Technical Annex sets out that the design of the Technical Qualification is such that it should be assessed through:

- a Core that assesses underpinning knowledge, understanding and skills relevant to the occupations covered by the T Level
- Occupational Specialisms focussed on assessing occupationally specific knowledge, skills and behaviours relevant to each occupation covered by the T Level

3.9 It is important for public confidence, and to secure standards, that there is a degree of consistency between how different Technical Qualifications are structured. This is particularly important because it is possible that each Technical Qualification could be developed by a different awarding organisation, meaning that potentially, each could implement an entirely

different structure of assessment. We would not want to be in a position where certain Technical Qualifications were perceived to be 'easier' than others because of their approach to assessment, as this could undermine confidence in Technical Qualifications more generally.

- 3.10 To ensure a consistent approach to assessment structure in Technical Qualifications, we propose to set requirements for awarding organisations to assess Technical Qualifications through a Core and Occupational Specialism(s).

Question 2

To what extent do you agree or disagree with our proposal to set a requirement that Technical Qualifications are assessed through a Core and Occupational Specialism(s)?

Core

- 3.11 In addition to setting out the overall approach to assessment of the Core and Occupational Specialisms, the Technical Annex also sets out some more specific requirements about assessments.
- 3.12 For the Core, the Technical Annex requires that the main body of core knowledge and understanding must be assessed separately to the core skills. As above, we think it is important for there to be a consistent approach between different Technical Qualifications in relation to how the Core is assessed. We propose to require this through our Technical Qualification-specific requirements.

Question 3

To what extent do you agree or disagree with our proposal to set a requirement that core knowledge and understanding and core skills are assessed separately?

- 3.13 If, as proposed above, we require assessment of the Core to be through separate assessment of core knowledge and understanding and core skills, we think it is important to consider the relative sizes of these 2 parts. The Technical Annex sets out that the Core will form between 20-50% of the total time for the Technical Qualification, but does not set out the relative weightings that each of these parts should contribute to the overall Core grade or if, for example, these could vary between different Technical Qualifications.
- 3.14 The core skills assessment will assess skills that are likely to be transferable, (for example planning) although set within the context of the specific Technical

Qualification. We would therefore not expect that this assessment would vary in size significantly between Technical Qualifications within a route. It is likely however that the core knowledge and understanding could vary more significantly, depending on the amount of outline content for the particular Technical Qualification. The draft outline content¹⁵ for the Technical Qualifications due for first teaching in 2020 includes significantly more content for core knowledge and understanding than for core skills.

- 3.15 To promote consistency across Technical Qualifications, we propose to provide guidance on the relative weightings between core knowledge and understanding and core skills. Due to the nature of the content, we do not propose to set a fixed requirement for Technical Qualifications being developed for first teaching in 2020, as what is appropriate for one Technical Qualification may not be appropriate for another, based on the outline content. We propose instead that our guidance would set out a weighting range that we expect core skills to fall within and we would require awarding organisations to explain the approach they have taken to setting the weighting in their assessment strategy.
- 3.16 We think it is important that any range allows awarding organisations flexibility to develop Technical Qualifications that meet the needs of employers. However, the range also needs to signal the relative weightings of core knowledge and understanding and core skills. It must also reflect that based on outline content, it is likely that core knowledge and understanding will represent a larger proportion of the overall Core than core skills. We therefore propose that our guidance should set out a range of 25-40% for core skills. We would require awarding organisations to explain in their assessment strategies how they have determined the proportion within this range for a particular Technical Qualification. We believe this approach strikes a balance between allowing flexibility for the development of content for future Technical Qualifications, and the promotion of consistency between different Technical Qualifications. We would welcome views on this.

¹⁵ <https://www.instituteforapprenticeships.org/about/outline-content-for-first-new-t-levels/>

Question 4

To what extent do you agree or disagree with our proposal to provide guidance on the relative weightings of core knowledge and understanding and core skills within the Core?

Question 5

Do you believe that 25-40% is an appropriate weighting for the assessment of core skills within the Core? If not, what do you believe the range should be and why?

Occupational Specialisms

3.17 Students taking Technical Qualifications will be required to take one or more Occupational Specialisms, although in practice this is likely to be limited by the size of other components. The actual number required and available will depend on the outline content for the particular Technical Qualification, which will be based on the corresponding apprenticeship standard(s). Depending on the outline content, different Occupational Specialisms may take different amounts of time to complete, with the number of planned hours for each agreed by the Institute.

3.18 It will be important when students decide which Occupational Specialism(s) to take, that they make a coherent choice, both in terms of the size of the Occupational Specialism(s) they choose, and their content, to ensure that what they choose leads to a Technical Qualification that meets employer needs.

3.19 The Technical Annex sets out that:

To ensure the selection is coherent and supports students' progression opportunities, where necessary, awarding organisations must specify any required combinations or prohibited combinations for optional Occupational Specialisms.

3.20 Our view is that requiring awarding organisations to do this would help protect the interests of students and ensure the Technical Qualification they achieve is valued by employers. Any combinations set by awarding organisations will be developed in conjunction with employers, and with approval of the Institute, to make sure that such combinations meet the needs of employers. We propose to set a Condition to require awarding organisations to make any such combinations clear (for example within their qualification's specification).

Question 6

To what extent do you agree or disagree with our proposal to set a requirement for awarding organisations to specify combinations of Occupational Specialisms that may, or may not, be taken in combination?

- 3.21 Occupational Specialisms correspond with apprenticeship standards. Achievement of threshold competence in an Occupational Specialism is intended to signal that a student is well-placed to develop full occupational competence. This differs from apprenticeships, where an apprentice would be expected to be fully occupationally competent.
- 3.22 The Technical Annex sets out that each Occupational Specialism should be assessed individually. This will enable achievement of an Occupational Specialism to indicate clearly what a student that has achieved it can do. We believe this is an appropriate approach to ensuring alignment with apprenticeship standards, and to ensuring that grades for Occupational Specialisms indicate what they are intended to indicate.
- 3.23 The Technical Annex sets out that performance outcomes¹⁶, which are set out in the draft outline content for each Occupational Specialism, should be assessed together, where this is possible. The intention is that students are able to demonstrate that they can select and draw together knowledge, skills and behaviours in an integrated way and to avoid an atomistic ‘tick-box’ approach to assessment.
- 3.24 We agree with this approach. While the Occupational Specialisms themselves are likely to be sufficiently different from one another that they could be assessed separately, the individual performance outcomes within each Occupational Specialism are inherently closely related, meaning that such an approach may help support valid assessments. We recognise however that given the content, it may not be possible for this to happen in all cases. We therefore propose to put in place guidance that where possible, performance outcomes should be assessed together.

¹⁶ Each occupational specialism consists of a number of performance outcomes. For example, performance outcomes within the surveying and design for construction and the built environment Occupational Specialism (within the draft construction: design, surveying and planning outline content) include: measure the built environment; analyse the built environment; design the built environment; verify delivery of the built environment.

Question 7

To what extent do you agree or disagree with our proposal to set a requirement for Occupational Specialisms to be assessed separately to one another?

Question 8

To what extent do you agree or disagree with our proposal to put in place guidance that where possible, performance outcomes within a particular Occupational Specialism should be assessed together?

- 3.25 Occupational Specialisms will be based on the corresponding apprenticeship standard. The different Occupational Specialisms will be set out in the outline content for the Technical Qualification. To ensure the information provided about Occupational Specialisms is clear, we think it would be helpful for their title to be in line with the Institute's titling conventions and to correspond with the title in the outline content. In addition, it will be important that the titles of Technical Qualifications are not misleading to users, including where they are made available outside England.
- 3.26 We propose to put in place requirements and guidance in this area to ensure that awarding organisations take a consistent approach to titling across Technical Qualifications.

Question 9

To what extent do you agree or disagree with our proposal to set requirements and guidance on the titling of Technical Qualifications and Occupational Specialisms?

Number of assessments

- 3.27 The Technical Annex sets out that a Technical Qualification should not consist of a large number of assessments. Where a qualification consists of a large number of separately awarded assessments, an awarding organisation's control of overall standards is diminished and opportunities for synoptic assessment reduced. Where a qualification has very few assessments and these are very large, this then creates challenges for manageability.
- 3.28 We have considered whether it would be necessary to set a requirement specifying the number of assessments for Technical Qualifications. However,

on balance, we consider that there are different legitimate approaches awarding organisations could take to determining the number of assessments that would be appropriate for Technical Qualifications. This may also legitimately vary between Technical Qualifications. Setting a rule around the number of assessments could unnecessarily restrict the assessment design options available to awarding organisations.

3.29 Given the range of Technical Qualifications and the likely differences in the outline content for each, it is unlikely that a single rule could be applied that would be appropriate for all Technical Qualifications.

3.30 We believe that the number of assessments for a particular Technical Qualification should support effective assessment of the content, and allow awarding organisations to have control of qualification standards, while remaining manageable for students, schools and colleges. We are therefore not proposing to set requirements around the number of assessments, but propose instead to set out that awarding organisations should use the smallest number of assessments possible to promote integrated assessment, while enabling manageability. We will expect awarding organisations to explain their approach to the number of assessments as part of their assessment strategy.

Question 10

To what extent do you agree or disagree with our proposal to set requirements or guidance on the number of assessments for Technical Qualifications?

Assessment availability

3.31 We propose to set requirements for when awarding organisations can make assessments for Technical Qualifications available. This is important because it will impact not only on how Technical Qualifications are delivered and taken in schools and colleges, but also on the extent to which it is possible to maintain standards in Technical Qualifications over time.

3.32 Technical Qualifications are intended to be 2-year courses, covering assessment of core knowledge and understanding, core skills, and Occupational Specialisms. We have considered whether to allow assessments to be taken throughout the course, or whether to require them to be taken at set times within the course.

3.33 A system in which students take the assessments at different points during a 2-year course, and in which assessments are marked and graded as students build up their qualifications, challenges awarding organisations' ability to secure

consistent year-on-year standards at the qualification level. Moreover, many assessment opportunities can mean that a significant amount of time is spent on assessment rather than on teaching, learning and wider curricula activities.

3.34 We believe that in order to ensure that candidates' abilities are assessed reliably, and that standards and public confidence in the Technical Qualification are maintained over time, assessments should be taken together as far as possible. We also recognise however that Technical Qualifications are large qualifications. The number of hours spent on a Technical Qualification could be equivalent to around 3 A levels, for example. We therefore think it is necessary to allow a degree of flexibility in when Technical Qualifications are assessed, to make sure they are manageable for students, schools and colleges, and awarding organisations.

3.35 We propose therefore that:

- all core assessments to be taken and awarded together, either at the end of the first or second year (ie the exams relating to the core knowledge and understanding would be scheduled then, and although the project relating to the core skills would necessarily be completed over a period of time, it would be assessed and awarded at the same time as the exams)
- the whole assessment of each individual Occupational Specialism is taken and awarded together, again either at the end of the first or second year

3.36 It will be for schools and colleges to decide when to enter their students for the Core and Occupational Specialisms.

3.37 To implement the approach above, we propose to require that all assessments for Technical Qualifications must take place in May and June.

Question 11

To what extent do you agree or disagree with our proposal to set a requirement that the whole of the Core should be assessed together and the whole of each Occupational Specialism should be assessed together?

Question 12

To what extent do you agree or disagree with our proposal to set a requirement that that all assessments for Technical Qualifications should take place in May/June?

Retakes

3.38 The Technical Annex sets out that:

As the Technical Qualification comprises different components, students will be able to retake separate components and do not need to retake the whole qualification. The better grade for the component will be listed on their final T Level certificate.

3.39 There are a number of reasons why a student may wish to retake a part of their Technical Qualification. A student may not pass all parts, and therefore wish to retake some assessments in order to achieve their Technical Qualification. There may also be circumstances where a student is unable to perform as well as expected, due to unforeseen circumstances that affect their performance on the day of an assessment. Additionally, a student may simply wish to try to achieve a higher grade than that which they have originally achieved. We believe it is important therefore that students have the opportunity to retake their assessment.

3.40 Given the overall size of the Technical Qualification, we propose that students who wish to retake an assessment should not have to retake the whole Technical Qualification. We propose they should be able to retake any of the core knowledge and understanding, core skills, or Occupational Specialisms. Where a student retakes one of these, we propose they should retake all of the associated assessments (ie all assessments for core knowledge and understanding; all assessments for core skills; or all assessments for an Occupational Specialism). This is because allowing a student to retake individual assessments within one of these may affect awarding organisations' ability to maintain standards at qualification level and might lead to less reliable assessment.

3.41 In line with our proposal that assessments should be taken together and that there should be a single assessment series each year, we propose that students wishing to retake assessments should do so in the following summer's assessment series. This means that a student wishing to retake assessments after the first year would be able to do so at the end of their second year. Students wishing to retake assessments after their second year would have to do so the summer following their second year.

3.42 Allowing additional series for retakes could impact on the ability of awarding organisations to set and maintain standards. Schools and colleges may, for example, enter students for assessments that were not fully ready to take them, knowing that students could simply retake. With smaller retake cohorts, particularly if these contained a mixture of students retaking and taking

assessments for the first time, awarding organisations would be less able to maintain standards appropriately. Moreover, many assessment opportunities can mean that a significant amount of time is spent on assessment rather than on teaching and learning.

- 3.43 We recognise however that this approach may present logistical difficulties for some students and schools and colleges. A student who wished to retake an assessment after their first year, would likely still be on the course for a further year, so could retake at the end of the second year. However, a student wishing to retake after the second year would have a year to wait until they can retake, during which it is unlikely they would be studying. It may also be the case that employers that are used to more frequent assessment opportunities in other qualifications, would welcome additional windows during which students can retake assessments. We would welcome views on the impact of this approach.
- 3.44 A possible alternative approach would be to allow a dedicated retake opportunity outside of the main summer assessment windows. The timing of this would need to balance the need for students to have sufficient time to complete any additional learning required or produce any further assessment evidence needed, with the need to ensure students have access to retake opportunities.
- 3.45 We propose that access to any additional retake window should be restricted to allow only those students that are retaking to take assessments during that window. It would also be necessary to consider the impact that any additional assessment series could have on teaching and learning for Technical Qualifications, given the time needed to schedule further assessment opportunities and the burden on awarding organisations of having to deliver additional assessment series.
- 3.46 For retakes to operate effectively, it will also be necessary to ensure students are given sufficiently detailed feedback on their performance (for example marks and grade boundaries) in order to decide whether to retake an assessment. To do this, a student would require information such as the number of marks they achieved and how far away this was from achieving a particular grade. This is particularly the case with respect to the Core, where even if the core knowledge and understanding and core skills are to be aggregated, students might often perform quite differently between them, given the very different assessment types they entail. A student would need to know, within the overall grade for the Core, how well they had done on each of the individual assessments.

Question 13

To what extent do you agree or disagree with our proposal to set a requirement that where a student is proposing to retake, they must retake the whole of core knowledge and understanding, and/or the whole of core skills, and/or the whole of an Occupational Specialism within the Technical Qualification?

Question 14

To what extent do you agree or disagree with our proposal not to allow an additional assessment series for retakes?

Question 15

To what extent do you agree or disagree with our proposal to set a requirement that awarding organisations should provide schools, colleges and students with sufficiently detailed information about student performance on which to base a decision about whether to retake a part of the Technical Qualification?

- 3.47 We do not propose to place a limit on the number of times a student can retake a part of the Technical Qualification. Limiting the availability of retake opportunities, means that the time that elapses between assessment opportunities will have the effect of limiting the number of times students are likely to retake assessments. We therefore do not believe that under this proposal, a specific limit on the number of retake opportunities is necessary. Indeed, retakes should always be allowed where genuine learning has taken place between assessment opportunities.
- 3.48 In addition to allowing retakes, we want to make sure that a student is not disadvantaged as a result of any future change to the provider of the Technical Qualification. This may mean a student having an opportunity to retake an assessment with the same awarding organisation, or being able to retake with a new awarding organisation offering the Technical Qualification.
- 3.49 We propose to require that any awarding organisation that chooses, or is required, to withdraw from offering a Technical Qualification, ensures arrangements are in place to allow students to retake an assessment. The extent to which this is required is likely to depend on the specific contractual arrangements in place with any awarding organisation that offers a Technical Qualification.

Question 16

To what extent do you agree or disagree with our proposal to put in place a requirement that where an awarding organisation ceases to make a Technical Qualification available, it must ensure that arrangements are in place to allow students to retake their assessments?

Prior learning

3.50 The Technical Annex sets out that in some circumstances, it will be possible for students to transfer some prior attainment (learning) from one Technical Qualification to another. It says that:

To support flexibility, if the content of the Core is the same (or only has marginal differences) across T Levels within a route, attainment of this could count towards attainment of the common core for any T Level within the route. However, this principle would only apply within the route and not across routes. The details of which core components can count as prior-attainment across T Levels within a route will only be determined once the Technical Qualification specifications and assessments have been developed for all Technical Qualifications in a route.

3.51 Ofqual's General Conditions do not require, or prohibit, an awarding organisation from recognising prior learning. However, as the intention is that this should happen, we propose to put in place a requirement on awarding organisations to specifically allow this. While we will require an awarding organisation to have a process in place to do this, the extent to which it may be possible will be dependent on the final outline content for each Technical Qualification and any decision that is taken in relation to which assessments in the Core within a Technical Qualification can count as prior learning for other Technical Qualifications in the same route.

Question 17

To what extent do you agree or disagree with our proposal to put in place a requirement for an awarding organisation to recognise prior learning in Technical Qualifications, where this is possible?

Grading

3.52 To ensure consistency across Technical Qualifications, we propose to put in place requirements setting out the grades that must be used to report the Core and the Occupational Specialisms¹⁷.

Core

3.53 The Technical Annex sets out that:

Assessment of core knowledge and skills will result in a single overall score for each student, aggregated across the externally set test and the employer-set project. As long as the assessments are appropriately demanding, we expect the full range of potential level 3 attainment to be in the scope for the distribution of these scores. Therefore, to reflect this breadth of attainment, it is appropriate for this component to be graded on a 6-point scale (plus ungraded), using A*-E plus U descriptors, with A* being the highest grade.

3.54 We consider it important that awarding organisations offering Technical Qualifications take a consistent approach to the reporting of grades for the Core. Given the nature of these assessments and the draft outline content, we consider the grade scale proposed should allow for sufficient differentiation between different levels of performance in Technical Qualifications.

3.55 We propose to set a requirement that the Core is reported against a grading scale of A*-E.

Question 18

To what extent do you agree or disagree with our proposal to set a requirement for the Core (core knowledge and understanding and core skills) to be reported as a single grade on a scale of A*-E?

Occupational Specialisms

3.56 The Technical Annex sets out that each Occupational Specialism:

Will use a 3-point scale (plus ungraded), using Distinction, Merit and Pass, with Pass being the threshold grade and Distinction being the highest grade.

¹⁷ In addition to the Technical Qualification grade, there will also be a grade for the overall T Level. Ofqual is responsible for awarding organisations setting and maintaining standards for the Technical Qualification grade only; we are not responsible for the overall T Level grade.

- 3.57 As set out above, we think it is important for awarding organisations offering Technical Qualifications to take a consistent approach to reporting the outcomes for Occupational Specialisms. We propose to set a requirement for Occupational Specialisms to be reported against this grading scale.
- 3.58 However, we note that the government T Level consultation response¹⁸ also referred to the possibility of exploring a 'Working Towards' grade for students who just missed out on passing Occupational Specialisms. We therefore welcome views on the proposal that, in addition, there should be a grade below Pass, 'Working Towards', to address this.
- 3.59 For the Occupational Specialisms, it will be important that assessment tasks and assessment criteria are designed with this grading model in mind. In particular, the 'design threshold' for the Pass grade, that is, the approximate mark where an awarding organisation would anticipate this grade boundary being in practice, must not be unduly high as a proportion of the available marks. If it were, this would create challenges for reliable classification at the Merit and Distinction grades, as there may not be sufficient marks remaining to accommodate this. Equally, though, the 'design threshold' for the Pass grade must not be unduly low as a proportion of the available marks. If it were, there is the potential that students achieving a Pass grade would not have demonstrated appropriate attainment across the performance outcomes in question.
- 3.60 On this issue, it is important to emphasise that modifying the relative position of the Pass grade does not amount to changing it from the 'high bar' of threshold competence (ie readiness to start in an occupational role) that it is intended to attest to. The question here is about the degree of achievement, on a scale, that should be designed to signify this high bar, not the expectations themselves. A potential consequence of this approach, ie having a relatively low Pass boundary to reflect a relatively high level of attainment, is that assessments may feel challenging for students who do not demonstrate threshold competence. However, we believe this approach to design is necessitated by the expectations around what the Pass grade is intended to signify, coupled with the inclusion of Merit and Distinction grades.

¹⁸ <https://www.gov.uk/government/consultations/implementation-of-t-level-programmes>

Question 19

To what extent do you agree or disagree with our proposal to set a requirement for Occupational Specialisms to be reported against a grading scale of Pass, Merit and Distinction?

Question 20

To what extent do you agree or disagree with our proposal that we should set a requirement for Occupational Specialisms to have a 'Working Towards' grade below Pass?

Question 21

To what extent do you agree or disagree that we should put in place guidance for Occupational Specialisms regarding how assessment design must take into account this grading model?

Results and certification

- 3.61 Condition H6 sets requirements in relation to issuing results. It requires that an awarding organisation issues results, that it publishes and meets dates for doing this, and that its results are accurate and can be understood by users. We propose to put in place Technical Qualification-specific guidance for Condition H6 on issuing results for each element of the Core and the Occupational Specialisms for Technical Qualification. The guidance will also reflect the need for results to be issued in a timely manner, to inform the Institute's T Level certification process.
- 3.62 Our current understanding is that T Level certificates are to be issued by the Education and Skills Funding Agency (ESFA). Following consultation, the government has determined that the Technical Qualification will not be certificated separately because they form part of a larger T Level programme. This approach will be secured through the contractual arrangements that apply to Technical Qualifications in England. This is different from other qualifications that we regulate and it affects 2 of our Conditions: I3 (design and content of certificates) and I4 (issuing certificates and replacement certificates). We understand that government is considering whether Technical Qualifications may also be offered outside England as a 'stand-alone' qualification and not part of a T Level programme. In this circumstance, awarding organisations will need to certificate Technical Qualifications, as there will be no associated T Level.

3.63 We think that the best way to achieve this policy intention would be to dis-apply conditions I3 and I4 for Technical Qualifications that are taken as part of a T Level, but retain them for Technical Qualifications taken outside England, where they do not form part of a T Level programme of study. We have set out further considerations regarding this proposal in our equality analysis.

Question 22

To what extent do you agree or disagree with our proposal to provide guidance on Condition H6 in respect of Technical Qualifications?

Question 23

To what extent do you agree or disagree with our proposal to disapply Conditions I3 and I4 in respect of Technical Qualifications taken as part of a T Level?

4. Our proposals – regulating Technical Qualifications

Accreditation requirement

- 4.1 The Apprenticeships, Skills, Children and Learning Act 2009 enables us to set an accreditation requirement for specific qualifications or descriptions of qualifications. When an accreditation requirement is in place the relevant qualification must be accredited by us before it can be awarded.
- 4.2 Ofqual decides whether to introduce an accreditation requirement on a case-by-case basis. We base our decision on a number of factors, including the qualification purpose and the potential risks to our statutory objectives.
- 4.3 Technical Qualifications are new qualifications, with nationally set content and a number of different features to many others that we regulate. They are high-stakes qualifications that play a central role in the government’s skills agenda. Given these considerations, we think that it is important to introduce an accreditation requirement as part of the Institute’s overall approval process.
- 4.4 For Technical Qualifications, we propose to introduce an accreditation requirement and more detailed Qualification Level Conditions. We will use these, as part of the accreditation process, to make a decision about whether the qualifications have been designed to the right standard to ensure a fair outcome for students in these new national qualifications.

Question 24

To what extent do you agree or disagree that we should require Technical Qualifications to be accredited?

- 4.5 Where an accreditation requirement applies, we must also set out the criteria we will use to decide whether or not to accredit a qualification. We currently have a single accreditation criterion for all qualifications which are subject to an accreditation requirement.¹⁹ It is as follows:

An awarding organisation must demonstrate to Ofqual’s satisfaction that it is capable of complying, on an on-going basis, with all of the General Conditions of Recognition that apply in respect of the qualification for

¹⁹ <https://www.gov.uk/government/publications/accreditation-criterion>

which it is seeking accreditation, including all relevant Qualification Level Conditions and Subject Level Conditions.

- 4.6 We do not see any reason why Technical Qualifications should not be required to meet our existing accreditation criterion and propose to apply our existing accreditation criterion to Technical Qualifications, albeit as part of the Institute's wider approvals process.

Question 25

To what extent do you agree or disagree that we should require Technical Qualifications to meet our existing accreditation criterion?

Assessment strategies

- 4.7 In relation to a number of our proposals, for example those around the number of assessments, we have indicated that we would require awarding organisations to explain or justify the approaches they intend to take. We propose that these explanations should be set out in a document (an assessment strategy) created to explain an awarding organisation's overall approach to the assessment of a Technical Qualification.
- 4.8 We have proposed above to implement an accreditation requirement for Technical Qualifications. We anticipate that what an awarding organisation sets out in its assessment strategy will be an important factor in our accreditation process.
- 4.9 Our requirements will be those required by us for the purpose of our regulation of Technical Qualifications. There are likely to be additional requirements set out by the Institute through contractual provisions. The Institute will consider assessment strategies as part of their approvals process and wider monitoring of Technical Qualifications.
- 4.10 We propose to set out in our assessment strategy requirements that:
- the purpose of an assessment strategy is to provide a comprehensive picture of the steps and approach an awarding organisation will take to secure compliance with its Conditions of Recognition in relation to the design, delivery and marking of assessments for, and the award of, a qualification
 - an assessment strategy must present a logical and coherent narrative that includes clear and concise evidence demonstrating how an awarding

organisation will seek to ensure, on an ongoing basis, that a qualification, and the assessments for it, are sufficiently valid and fit for purpose

- in particular, an assessment strategy must include information and evidence to show how an awarding organisation promotes, and acts on, feedback between the different stages of the qualification development cycle, so as to continuously improve the assessments for that qualification

4.11 We propose to set out high-level areas we typically require the assessment strategy to cover:

- description of and rationale for assessment structure, eg number of assessments, number of marks for each, duration of each and the content each will cover;
- question/task types to be used and associated marking criteria, eg how these will enable valid and reliable assessment on an ongoing basis;
- approach to assessing subject content over time, eg coverage being representative and non-predictable;
- approach to delivery, eg process for developing assessments, training and monitoring assessors, ensuring security of assessments, and dealing with instances of malpractice;
- approach to setting and maintaining standards, eg technical methodology to be used, related governance, and range of qualitative and quantitative evidence to be considered.

4.12 We do not propose to set requirements as to how the assessment strategy should be structured. We will set out what it should cover as described above, but will allow awarding organisations flexibility in how they present this information.

Question 26

To what extent do you agree or disagree with our proposal to require awarding organisations to put in place and comply with an assessment strategy covering the areas described?

Outline content

4.13 Technical Qualifications will be based on outline content. This content will be determined by T Level panels and approved by the Institute. The Technical Annex sets out that:

In designing a Technical Qualification, the approved awarding organisation must ensure the outline content produced by T Level panels is validly covered by the qualification so that the quality standard for approval set out in the legislation can be met.

4.14 The Institute has recently consulted on the outline content for the first 3 Technical Qualifications to be made available from 2020²⁰.

4.15 Once content is finalised, it is anticipated that it will be kept under review and updated as necessary, to make sure that it remains current for the occupations to which it relates. As Occupational Specialisms are based on apprenticeship standards, it is likely that content may be updated at least as often as apprenticeship standards are reviewed. This could mean content being reviewed as a minimum every 3 years, although in some Technical Qualifications, the nature of the occupations could mean reviews being carried out more frequently than this. The Technical Annex sets out:

Given the pace of change in many industries, to ensure the continued currency of the qualifications, when standards are updated, if the Institute deems it necessary, they will re-develop the relevant outline content. This will trigger an update process for the approved awarding organisation to amend the corresponding occupational specialist component(s).

If entirely new standards and outline content are developed, the Institute will commission the awarding organisation to develop a new occupational specialism. This will mean that the suite of specialist components available in the first year of delivery may change over time as new apprenticeship standards and corresponding qualification outline content is developed.

4.16 We think it is important that awarding organisations cover the outline content and that there is sufficient flexibility to accommodate changes that are deemed necessary by the Institute.

4.17 In some qualifications with set content (for example reformed Functional Skills, GCSE and A levels) we have adopted the content into our framework. Technical Qualifications however, will be delivered through a different model to these other qualifications. There will be a single provider that is managed through a contract, and the content may be subject to review more often than is

²⁰ <https://www.instituteforapprenticeships.org/about/outline-content-for-first-new-t-levels/>

the case in these other qualifications, where content is often fixed for the lifetime of the qualifications.

- 4.18 We propose therefore not to adopt content into our framework, but instead to require an awarding organisation to explain its approach to content coverage as part of its assessment strategy. This will also be considered by the Institute as part of its approval process. We believe that this approach strikes a balance between requiring an awarding organisation to have a process in place to ensure content coverage, and allowing the flexibility for content to be updated to ensure that Technical Qualifications continue to meet the needs of employers.
- 4.19 We will require an awarding organisation to tell us how it will comply with, and build on, outline content, how it will ensure appropriate coverage of the content, and how it will manage any changes to content, ensuring that students' interests are protected.

Question 27

To what extent do you agree or disagree that we should require awarding organisations to explain through their assessment strategy, their approach to covering the outline content?

Assessment objectives

Core skills

- 4.20 The Technical Annex states that the core skills assessment will take the form of a project completed to a brief. It sets out that in order to ensure consistency in the scope and demand of the core skills assessment, awarding organisations should develop assessment objectives that require students to:

- plan their approach to meeting the brief
- apply core knowledge and skills as appropriate
- select relevant techniques and resources to meet the brief
- use maths, English and digital skills as appropriate
- realise a project outcome and review how well the outcome meets the brief

- 4.21 We agree it is important that awarding organisations develop assessment objectives that cover these points. Since different Technical Qualifications could be delivered by different awarding organisations, we think it would be helpful to put in place additional guidance, to make sure that they develop their

assessment objectives in the same way, to help support assessments being appropriately demanding, including over time. We therefore propose to set qualification level guidance on assessment objectives for core skills. This might, for example:

- set out that there should be an assessment objective for each of these 5 points
- set out that the assessment objective regarding application of core knowledge and skills must be expanded upon and made subject-specific using the material regarding core skills in the outline content
- indicate the approximate weighting that each assessment objective should be given
- propose that the major emphasis (of at least 50%) should be on the assessment objective regarding application of core knowledge and skills, with a reasonable balance (to be explained by the awarding organisation in its assessment strategy) across the other 4 assessment objectives

Question 28

To what extent do you agree or disagree with our proposed approach to put in place guidance on the development of assessment objectives for core skills?

Core knowledge and understanding

4.22 We believe that it would also be helpful, in terms of ensuring assessments are appropriately demanding, including over time, to have assessment objectives for core knowledge and understanding. While these have not been specified in the Technical Annex, we believe that they would help ensure that content is covered in an appropriate way and that Technical Qualifications assess knowledge and understanding appropriately for the level of the qualification.

4.23 For other qualifications, we have developed detailed assessment objectives that are subject-specific; we do not propose to do this for Technical Qualifications. We propose instead to set out some high-level assessment objectives that would apply to the core knowledge and understanding in all Technical Qualifications.

4.24 These assessment objectives would set out the broad types of way the content might be assessed. For example:

- demonstrating knowledge and understanding of the material

- applying that knowledge and understanding to different situations and contexts
- analysing and evaluating information and issues related to the content

4.25 We might also indicate the approximate weightings that each of these should have overall, for example, the expectation of a reasonable balance between them, with the specific approach to be explained by the awarding organisation in its assessment strategy.

4.26 Such an approach would allow for the flexibility necessary to reflect the nature of the assessments and the different outline content for each Technical Qualification. It would also allow sufficient flexibility to accommodate changes to outline content, without needing to revisit the assessment objectives each time the outline content is amended. Equally, it would reflect that the core knowledge and understanding between different Technical Qualifications is likely to be very similar in its fundamental nature, that is, the contexts, concepts, theories and principles that are relevant in each case.

Question 29

To what extent do you agree or disagree with our proposed approach to setting assessment objective requirements for core knowledge and understanding?

Setting and marking assessments

4.27 The setting and marking of assessments are key areas that can impact on reliability, comparability of standards and public confidence. There are different levels of control that can be applied in each of these areas, ranging from requiring awarding organisations to set and mark assessments, which provides the greatest level of control, to schools and colleges setting and marking assessments which provides the lowest level of control.

4.28 Depending on where on this spectrum a particular approach lies, additional steps may also need to be taken. For example, assessments set and marked by schools and colleges will need to be moderated by the awarding organisation and the awarding organisation may also need to put in place additional arrangements to monitor a school or college's setting and marking of tasks.

4.29 The approach chosen also impacts on the manageability of the process for awarding organisations and schools and colleges. An approach where assessments are entirely set and marked by the awarding organisation is likely

to pose the greatest burden on an awarding organisation, but the lowest burden on schools and colleges. Conversely, assessments marked by schools and colleges are likely to be more burdensome on schools and colleges, and less burdensome on awarding organisations.

Setting assessments

Core knowledge and understanding

4.30 The Technical Annex sets out that core knowledge and understanding must be assessed through an externally set test, which is set and marked by the awarding organisation.

4.31 To ensure this approach is adopted consistently across different Technical Qualifications, we propose to adopt the approach we have taken in GCSE and A level qualifications, which is to define an Assessment by Examination, and to require that core knowledge and understanding is assessed by this means, in our Technical Qualification-specific requirements.

4.32 We propose to define Assessment by Examination in the same way we have for GCSE and A level qualifications, which is:

An assessment which is –

- (a) set by an awarding organisation
- (b) designed to be taken simultaneously by all relevant Learners at a time determined by the awarding organisation
- (c) taken under conditions specified by the awarding organisation (including conditions relating to the supervision of Learners during the assessment and the duration of the assessment)

Question 30

To what extent do you agree or disagree that we should set a requirement for core knowledge and understanding to be assessed through Assessment by Examination?

Core skills and Occupational Specialisms

4.33 The approach to assessing core skills and Occupational Specialisms must be robust in order to support reliability, the maintenance of standards over time and ensure public confidence in Technical Qualifications. We propose that both Occupational Specialisms and core skills assessments are set by the awarding organisation.

4.34 The Technical Annex sets out that core skills should be assessed through a project and that to devise the brief:

Awarding organisations must work with a relevant employer, that is, one who employs staff working in occupations relevant to the T Level. The brief must:

- ensure a motivating starting point for students' projects, for example, a real-world problem to solve
- ensure students can generate evidence that covers the assessment objectives
- be manageable for providers to deliver
- be officially approved by the awarding organisation and employer

It also sets out that:

Awarding organisations will need to:

- avoid briefs becoming predictable and ensure outcomes expected of students continue to keep pace with the needs of industry
- offer students more than one employer-set project brief to choose from. This is important because depending on the breadth of the Technical Qualification, it may be necessary to accommodate differences in students' occupationally specialist interests within the T Level.

4.35 We propose to set requirements that the brief for the core skills assessment must be set by an awarding organisation, working in conjunction with employers to devise that brief.

- 4.36 Occupational Specialisms will form 50-80% of the total amount of time spent on a Technical Qualification. The assessment of Occupational Specialisms will therefore be key in relation to the overall standard of the qualification. It is important that assessment tasks are robust and enable content to be validly assessed. It is also important that awarding organisations are able to ensure that assessments reflect the needs of employers.
- 4.37 This approach also helps ensure the consistency of the tasks that are set, and that tasks appropriately cover all of the required performance outcomes in the way required by the outline content. This will help ensure that a student taking a Technical Qualification at one school or college will have a task that is consistent in nature and demand with that taken by a student in another school or college.
- 4.38 For this reason we propose to adopt the same approach for Occupational Specialisms as we have proposed for core skills. We propose to require that assessments for Occupational Specialisms are set by the awarding organisation.

Question 31

To what extent do you agree or disagree that we should require awarding organisations to set assessments for core skills?

Question 32

To what extent do you agree or disagree that we should require awarding organisations to set assessments for Occupational Specialisms?

Marking assessments

Core knowledge and understanding

- 4.39 Written exams that are traditionally used to assess knowledge and understanding are usually set and marked by awarding organisations. We have set out above our proposal to require that core knowledge and understanding is assessed through Assessment by Examination. Typically, where this approach is used, assessments are also marked by awarding organisations.
- 4.40 In light of this approach, and the intention that core knowledge and understanding should be set and marked by awarding organisations, we do not see any reason to depart from this approach. We therefore propose to set a requirement for core knowledge and understanding to be marked by the awarding organisation.

Question 33

To what extent do you agree or disagree with our proposal to set a requirement for core knowledge and understanding to be marked by the awarding organisation?

Core skills and Occupational Specialisms

- 4.41 For assessments of skills, such as the core skills and Occupational Specialisms within Technical Qualifications, we have considered the potential for marking to be conducted by the awarding organisation or by a school or college, with the awarding organisation performing checks on this marking (referred to in our Conditions as Moderation²¹).
- 4.42 For assessments marked by schools or colleges, it is generally more difficult to ensure reliability, as marking is usually done by a large number of assessors, and there may not be a record of the student's performance that can be used to moderate the marking of the assessor. Due to the nature of the assessments, it can be difficult to ensure that awarding organisations' rules relating to the conduct of assessments and the way they should be marked are entirely clear and are applied consistently.
- 4.43 There are additional issues that can arise when schools or colleges are marking the work of their own students. For example, pressure on teachers may sometimes lead to a tendency to give the benefit of the doubt and thus over-marking and other practices that distort outcomes; indeed teachers often find themselves in a difficult position when marking such assessments, on which their own performance and that of their school or college will be judged.
- 4.44 In addition, where schools and colleges mark assessments with awarding organisation moderation, we have found in the past²² that some schools and colleges find this process confusing and open to interpretation.
- 4.45 For the marking of assessments, our view is that the most reliable approach is for awarding organisations to mark assessments. This ensures that assessments are carried out independently. It also means that school and

²¹ The process through which the marking of assessments by Centres is monitored to make sure it meets required standards and through which adjustments to results are made, where required, to ensure that results are based on the required standard. This includes verification.

²² https://www.gov.uk/government/consultations/gcse-reform-consultation-june-2013#attachment_1592446

college staff do not have to focus on marking assessments, so can concentrate on teaching. This will lift the pressures placed on them by marking their own students' assessments, whose results could affect the way the teachers themselves, and the schools and colleges in which they work, are judged. We would not expect this to prevent awarding organisations from taking innovative approaches to assessment to reflect the nature of the outline content.

- 4.46 Requiring awarding organisations to mark assessments for both core skills and Occupational Specialisms would remove the need for awarding organisations to put in place moderation arrangements. It would also reduce the extent to which detailed monitoring arrangements for schools and colleges are needed in relation to ensuring that assessments are being conducted appropriately. We would however still expect awarding organisations to have arrangements in place with schools and colleges that allow them to ensure the authenticity of assessment evidence.
- 4.47 We recognise that a requirement that awarding organisations mark both the core skills and Occupational Specialisms is likely to be more burdensome on awarding organisations than if we were to permit marking by schools and colleges. However, we believe this burden is partially offset by reduced burden of moderation and monitoring arrangements for schools and colleges that will be necessary, and is proportionate to our aim of ensuring that assessments are marked as accurately and consistently as is possible. Moreover, it would free teachers to concentrate on teaching. We would however welcome views on the impact of requiring these assessments to be marked by awarding organisations.

Question 34

To what extent do you agree that we should require core skills assessments to be marked by the awarding organisation?

Question 35

To what extent do you agree that we should require Occupational Specialism assessments to be marked by the awarding organisation?

- 4.48 If we were to allow approaches other than awarding organisation marking, would need to put in place additional requirements to secure that marking was done accurately and consistently. If we were to allow marking by schools and colleges as an alternative approach to awarding organisation marking, we would be likely also to put in place additional requirements for:

- monitoring of school or college marking by awarding organisations, for example through reviews of student work or regular visits
- moderation arrangements for awarding organisations, including possible expectations around sampling
- the need to identify and manage specific risks relating to the approach to marking
- requirements for allowing reviews and appeals against school or college marking, and against awarding organisation moderation

Controls on taking assessments

4.49 We have proposed above that all assessments should be set and marked by awarding organisations. As it is intended that core knowledge and understanding will be assessed by examination, awarding organisations will put in place requirements around the conditions under which these assessments must be taken to enable them to authenticate the work of individual students. This is already required under our General Conditions.

4.50 Core skills and the Occupational Specialisms are likely to require additional controls in place beyond those that are necessary for an examination. Whilst we will require these assessments to be set and marked by awarding organisations, their nature means that much of the evidence that awarding organisations will assess will be produced throughout the duration of the course within schools and colleges. This means there are likely to be challenges around authentication because assessment evidence may be produced over a period of time, which makes it harder to be sure that students have not received help with their work. It is the awarding organisation's responsibility to put in place appropriate arrangements which enable them to authenticate students' work.

4.51 While our General Conditions do require awarding organisations to have requirements in place, we propose to supplement these with additional Technical Qualification-specific requirements in the following areas:

- awarding organisation controls on supervision of students, including the supervision of the production of assessment evidence to make sure that assessment evidence can be authenticated
- the evidence that students must produce, some of which might be ephemeral in nature

- the need for awarding organisations to set out the conditions which ensure that students' work can be authenticated and any requirements about the timings of when evidence must be produced
- guidance and requirements on monitoring of schools and colleges including the controls that must be in place to monitor schools and colleges in authenticating the production of evidence by students and identifying and preventing malpractice
- controls around the security of briefs to facilitate comparability of assessments over time, and which minimise predictability of assessment tasks
- requirements to identify and manage specific risks relating to the delivery of the assessment

4.52 We will require awarding organisations to explain in their assessment strategies how they have managed the particular risks that their approach to the assessment of core skills and Occupational Specialisms entails.

Question 36

To what extent do you agree or disagree with our proposal to put in place assessment controls for core skills and Occupational Specialisms?

Reviewing and appealing results

4.53 Our General Conditions require that awarding organisations have an appeals process that provides for the appeal of:

- the results of assessments
- decisions regarding reasonable adjustments and special consideration
- decisions relating to any action to be taken against a student or a school or college following an investigation into malpractice or maladministration

4.54 We plan to dis-apply Condition I1 as it applies to results in respect of Technical Qualifications, and put in place more detailed provisions for the review of marking, moderation and appeals.

4.55 Our rules will be based on the requirements that currently apply to GCSE, AS, A level and Project qualifications, amended slightly to reflect the particular requirements of Technical Qualifications. We believe similar requirements to

those found in these qualifications should be applied to Technical Qualifications because:

- schools and colleges are familiar with them because of their experience of offering GCSEs and A levels
- the requirements have been informed by extensive research and consultation, and designed specifically to address poor and unfair practice in the review and appeal of marking we found in GCSEs, AS and A levels, where reviews sometimes resulted in grade changes in cases where there were not errors in original marking
- these qualifications will be high stakes for the students that take them and it is important that a review and appeal system is in place that functions effectively and consistently across different Technical Qualifications

Reviews of marking

4.56 A review of marking process is one that allows for the result that a student has received to be challenged. It requires an awarding organisation to review the original marking they have undertaken to see whether there were any errors in that marking.

4.57 We plan to introduce rules that require awarding organisations to carry out, upon request, a review of marking and to change a student's marks if they find an error in the original marking.

4.58 Our rules will make clear that it is only when there is an error in the original marking that changes to marks may be made. In any cases where the professional or academic judgement of the person reviewing the work differs from that of the original marker, but the original mark was not wrong, no change to that mark may be made.

4.59 To make sure this system functions effectively, we propose to set rules to require that awarding organisations' reviewers are specially trained to undertake reviews and that awarding organisations monitor their work.

4.60 We plan to require that awarding organisations give reasons for the outcome of a review to schools and colleges or students when the outcome of the review is given.

4.61 We also plan to require awarding organisations to provide any school, college or student that may wish to seek a review with a copy of any or all marked assessment material they wish to see and provide a full breakdown of marks and grade boundaries to inform their decision about whether to seek a review.

4.62 Depending on the structure of the qualification, schools, colleges or students may want to seek reviews for individual assessments. We believe that if reviews were only permitted for the whole of either core knowledge and understanding, core skills or an Occupational Specialism, this could unnecessarily increase costs and the burden of reviews. We propose therefore to require awarding organisations to allow students to seek reviews for each individual assessment that contributes to their Technical Qualification.

Appeals

4.63 We propose that if concerns remain with the outcome of a review of marking decision, there should be the opportunity to appeal to the awarding organisation.

4.64 Appeals will be allowed both on the basis that an awarding organisation has not applied its procedures consistently or followed them correctly or fairly and on the basis that the mark a student has been given is incorrect where it is believed that a marking error was not corrected when the original result was reviewed or it is thought there was an error in the review itself.

4.65 As with the initial review, we propose that the marking outcome should not be changed unless those carrying out the appeal conclude that there was an error in the original marking and/or review or a procedural error requires a change to the mark.

4.66 We will require awarding organisations to report the outcome and the reasons for each appeal decision.

4.67 We propose that the final appeal decision must include someone who is external to the awarding organisation and that no one involved with the decision should have an interest in the outcome.

4.68 We will introduce statutory guidance as necessary to make sure that our requirements for reviews and appeals are exemplified and made clear to awarding organisations where we think this is needed.

Question 37

To what extent do you agree or disagree with our proposal to put in place requirements for awarding organisations in relation to reviews of marking and appeals?

Further requirements

4.69 We do not intend to prohibit awarding organisations from charging a fee for reviews and appeals.

- 4.70 We propose that awarding organisations will also be able to decide whether to allow students who are associated with a school or college to themselves request a return of a marked assessment, a review of marking or an appeal, or whether to require that all such requests are made only by schools or colleges on behalf of those students.
- 4.71 We also plan to put in place a common approach to the timescales by which certain key stages in the process for reviews of marking and appeals occur, for example the dates schools and colleges must submit requests for reviews and appeals.
- 4.72 This will mean that awarding organisations will be required to set their own deadlines for submitting a review or appeal and timescales for each of the processes, subject to at least meeting the timeframes we have prescribed. We expect the dates we will put in place will align with those we have put in place for GCSE, AS, A level and Project qualifications.

Reviews of moderation

- 4.73 We have proposed that Technical Qualifications will be marked by awarding organisations. As such, we do not expect students' work to be marked by their school or college with that work then checked, through a process known as moderation, by an awarding organisation. As such, we do not plan to introduce a requirements for awarding organisations to allow for reviews of their moderation decisions.
- 4.74 However, were we to allow awarding organisations to design Technical Qualifications, that allowed for schools and colleges to mark any elements of the Technical Qualification with that marking subject to moderation from an awarding organisation, we would also introduce an expectation that they allow for a review and appeal of their moderation decisions, as for marking and as set out above.
- 4.75 In such a situation, we would also require awarding organisations to require their school or college to allow students the opportunity to seek a review of the school or college's marking, prior to submitting their marks to the awarding organisation for moderation, first providing students with their marks and marked assessment material to inform their decision as to whether to seek such a review.

General conditions and structure

- 4.76 As for all qualifications we regulate, we propose, as far as possible, to regulate Technical Qualifications and the awarding organisations that deliver them against the General Conditions acknowledging the need for bespoke arrangements that recognise the Institute's role in T Levels.

4.77 Our General Conditions and guidance were designed to enable us to regulate a wide range of qualification types. We do recognise however that due to some of the design features of Technical Qualifications, not all of our General Conditions will be appropriate. These differences mean that in some instances, we think it will be necessary, and helpful, for us to disapply certain Conditions. We have proposed to disapply Conditions I3 (Design and content of certificates) and I4 (Issuing certificates and replacement certificates). We set out below a further Condition we propose to disapply.

Condition E1 - Qualifications having an objective and support

4.78 This Condition requires that an awarding organisation must make sure that its qualifications have, and meet, a clear objective. The Condition sets requirements relating to how the awarding organisation must set this objective and how it should ensure the qualification has support.

4.79 For Technical Qualifications, the awarding organisation will not determine the objective or support itself. These will be set out and approved by the Institute through the outline content and through contractual provisions. As it will largely be out of the awarding organisation's control whether or not it can comply with this Condition, we propose to disapply this Condition in respect of Technical Qualifications.

Question 38

To what extent do you agree or disagree with our proposal to disapply Condition E1 in respect of Technical Qualifications?

Question 39

Are there any other General Conditions that we should disapply in respect of Technical Qualifications?

4.80 Technical Qualification provision will be managed through a combination of a contract between the awarding organisation and the Institute, and Ofqual regulation, as set out in this consultation. The Institute will have overall responsibility for T Levels, including the Technical Qualification.

4.81 We have a duty to ensure that we do not impose or maintain unnecessary regulatory burden on those that we regulate. We want to ensure therefore that our regulatory requirements do not conflict with the requirements of the contract between the Institute and the awarding organisation delivering the Technical Qualification. The requirements we have proposed to disapply above are intended to help secure this, however as the contractual provisions are

finalised, we will keep this under review and consider whether any further Conditions need to be disapplied in respect of Technical Qualifications.

Technical Qualification-specific guidance

4.82 As set out above, we believe that the majority of our General Conditions are suitable for regulating Technical Qualifications. But to help awarding organisations understand how they should be understood in relation to Technical Qualifications, we propose to put in place Technical Qualification-specific guidance. We propose to provide guidance against Condition H6 (Issuing results). We set out below 2 further Conditions where we propose to provide Technical Qualification-specific guidance.

Condition D3 – Reviewing approach

4.83 Ofqual requires awarding organisations to keep qualifications under review. Separately, the Institute regularly reviews apprenticeship standards on which Occupational Specialisms are based, and keeps outline content under review.

4.84 To make sure our requirements do not duplicate the work of the Institute, we propose guidance explaining that the awarding organisation’s review should take account of the Institute’s review.

E7 – Total Qualification Time

4.85 Our Conditions require awarding organisations to assign Total Qualification Time (TQT) to their qualifications, which provides an indication of the size of that qualification. We set additional criteria²³ which awarding organisations must apply when determining the TQT for a qualification. We propose to review these criteria in respect of Technical Qualifications to ensure they are appropriate and to provide additional guidance if necessary.

Question 40

To what extent do you agree or disagree that we should provide Technical Qualification-specific guidance for Conditions D3 and E7?

Question 41

Are there any other General Conditions against which we should provide Technical Qualification-specific guidance?

²³ <https://www.gov.uk/government/publications/total-qualification-time-criteria>

5. Our proposals – setting and maintaining grade standards

Introduction

- 5.1 It will be important that the standard of the Technical Qualification meets the needs of those taking the qualification, and those employers who might be employing students who complete a T Level. Therefore, the initial standard will be agreed with employers.
- 5.2 Once the initial standard is set, Ofqual has an objective to maintain standards over time. We do this in some qualifications by putting in place requirements about the sources of evidence awarding organisations should use to inform their standard setting and ongoing maintenance of standards. This includes qualitative evidence, which is likely to include work produced by students or views of employers on the expected standard of performance, and quantitative evidence, which might include data showing how well an assessment has functioned, or a breakdown of the proportion of students achieving each grade.
- 5.3 Awarding organisations will need to balance the different sources of evidence appropriately. It will also be important for all awarding organisations awarding Technical Qualifications to be acting consistently across different routes and pathways. While there will be only one awarding organisation offering each Technical Qualification, we still believe that there is a need for Ofqual to facilitate a consistent approach across Technical Qualifications and we are considering whether we should put in place additional requirements to enable this.

Core

- 5.4 As set out above, the Core will be made up of one or more exams, assessing core knowledge and understanding, and a project, assessing core skills. The proposal is for these to be set and marked by the awarding organisation, and the marks from all assessments will be combined. The grade for the Core will be set on the overall mark for all assessments and reported on a scale of A*-E.
- 5.5 Students will not be required to pass every assessment: to do so would introduce potentially unfair 'hurdles' into the assessment, which can undermine the validity of the results. We propose that the assessment in the Core should be compensatory, so that strong performance in one part of the Core can compensate for less strong performance in the other part.
- 5.6 Awarding organisations will need to design their assessments to differentiate across the full range of available grades, to avoid marks being 'bunched', which

would mean that grade boundaries are relatively close together. When we evaluate these qualifications and their sample assessments as part of the proposed accreditation process, this is one of the areas we would scrutinise.

- 5.7 Given that there are 6 grades to be set, we propose that A/B and E/U are designated as 'key' grade boundaries, in that they are set by awarding organisations, following recommendations from the senior examiners and other subject experts/employer representatives. We propose that the remaining boundaries would be calculated arithmetically, by dividing equally the number of marks between the A/B and E/U boundaries. The A*/A boundary would be set at the same number of marks above the A/B boundary as the B/C is below the A/B boundary. Awarding organisations will report an overall grade, and we have proposed that they will also be required to report marks for individual assessments so that schools and colleges can see how well students performed across the assessments.
- 5.8 In setting the standards at these key grades in the first year of the Core, we would expect awarding organisations to rely more heavily, but not exclusively, on qualitative evidence. The evidence they use might include the following:
- draft descriptions of performance expected at the key grade boundaries and/or employers' expectations about the level of knowledge, understanding and skills required
 - views of senior examiners about the quality of student work
 - judgements and data about the difficulty of particular assessments and/or individual questions
 - information about the mean mark and the spread of marks for the qualification overall and for individual assessments
 - any expectations designed into the assessments, for example an awarding organisation might design an assessment with the expectation that a grade E might be set at approximately 40% of the maximum mark, and a grade A set at approximately 80%
 - student work taken from similar level 3 qualifications at the equivalent key grade boundaries
- 5.9 As we move from the first year into subsequent years, then we might expect that awarding organisations will be able to use more quantitative data to guide senior examiners in their recommendations. For example, comparing mean marks in particular assessments over time provides evidence of likely changes in the demand of the assessments from one year to the next. We will also want

to explore with awarding organisations whether, once an initial standard has been set, the awarding organisation might be able to use, for example, prior attainment data or data from school/colleges entered for both years to help maintain standards from one year to the next.

Question 42

To what extent do you agree or disagree with our proposed approach to setting and maintaining grade standards in the Core?

Occupational Specialisms

- 5.10 Occupational Specialisms will assess skills that relate to specific occupations. Each Occupational Specialism will be made up of one or more tasks, assessing a range of knowledge and skills, in the context of a small number of high-level 'performance outcomes'. We have proposed that Occupational Specialisms will be set and marked by the awarding organisation, and if there are multiple assessments within a given Occupational Specialism, the marks from all assessments will be combined. The grade for each Occupational Specialism will be set on the overall mark for all its assessments and reported on a scale of Pass, Merit and Distinction, as well as Working Towards.
- 5.11 Students will not be required to pass every assessment: to do so would introduce potentially unfair 'hurdles' into the assessment, which can undermine the validity of the results. We propose that, as in the Core, the assessment in each Occupational Specialism should be compensatory, so that strong performance in one area of an Occupational Specialism can compensate for less strong performance elsewhere, though with assurance overall that students have sufficient attainment across the range of performance outcomes in question.
- 5.12 Given the importance of the Pass grade, we propose that this is designated as a 'key' grade boundary. In setting the standard for this Pass grade, we expect that awarding organisations will use similar types of evidence as for the Core, which will include employer input into standard-setting.
- 5.13 We propose that Distinction would also be a key grade, and that Merit would be set arithmetically, by dividing the mark gap between Pass and Distinction. Similarly, the Working Towards grade would be set arithmetically, at the same number of marks below Pass as Merit is above Pass.
- 5.14 It will be important for standard setting that the level of performance required at the judgemental grades is articulated. We propose, therefore, to require

awarding organisations to produce descriptions of performance for the Pass and Distinction grades.

- 5.15 We will also expect awarding organisations to produce exemplification materials, to indicate expectations to schools, colleges, students, parents and others, and for use in standard setting. We propose requiring awarding organisations to produce exemplification materials before delivery, and to review these once the qualifications are in operation, based on evidence of actual student performance. The intention here being to reflect that it is likely any exemplification produced before students have taken the qualification may partly depend on how similar the new provision is to existing provision. It may also reflect what an awarding organisation considers performance should look like, rather than what it looks like in practice.

Question 43

To what extent do you agree or disagree with our proposed approach to setting and maintaining grade standards in the Occupational Specialism?

6. Equality analysis

- 6.1 Ofqual is a public body, so the public sector equality duty in the Equality Act 2010 applies to us. We explain in Appendix A how this duty interacts with our statutory objectives and other duties.
- 6.2 We have considered how our proposals might affect people who share protected characteristics²⁴. We have not identified any impacts of our proposals (positive or negative) on persons who share the protected characteristics of age, race, sex or sexual orientation.
- 6.3 We set out below where we believe our proposals could have a positive or negative impact on people who share other protected characteristics.
- 6.4 The DfE has separately carried out an equalities analysis on the introduction of T Levels, including the Technical Qualification. That analysis is available on the DfE website²⁵.

Qualification structure

- 6.5 We have proposed, in line with the Technical Annex, that Technical Qualifications are to be assessed through core knowledge and understanding and core skills assessments, and one or more Occupational Specialisms.
- 6.6 Our General Conditions require awarding organisations to make reasonable adjustments for students with disabilities. This could, for example, include allowing students to be exempted from certain assessments that they are unable to access because of a disability, which could allow students with certain disabilities to access these qualifications.
- 6.7 Government has not yet confirmed whether Technical Qualifications will be included on the list of 'relevant qualifications' in section 97 of the Equality Act 2010. If it did so, this would have implications for the reasonable adjustments that would be available to students, leading to a potential negative impact. For example, a student may be unable to access an exemption for a component where that component represented 40% or more of the available marks for the qualifications. A student that could not perform well in the core knowledge and understanding exam assessment for example, may therefore be unable to

²⁴ The term 'protected characteristics' is defined in the Equality Act 2010. Here, it means sex, disability, racial group, age, religion or belief, pregnancy or maternity, sexual orientation and gender reassignment.

²⁵ <https://www.gov.uk/government/consultations/implementation-of-t-level-programmes>

achieve the Technical Qualification despite being able to complete all other parts of the Technical Qualification.

- 6.8 Government has decided that where students have not completed all required elements of a T Level, they will receive a partial attainment transcript which lists those parts of the course of study that they have successfully completed, but they will not receive a T Level certificate.

Certification

- 6.9 We have proposed to disapply Conditions I3 and I4 which would require an awarding organisation to issue a certificate for a Technical Qualification. This is because in England the result for the Technical Qualification will be provided on the overall T Level certificate, which we understand is intended to be issued by the ESFA.
- 6.10 This proposal could have a negative impact on students with a disability who are unable to complete the whole T Level programme due to their disability. A student that could not complete the work placement for example, would not receive an overall T Level pass and would therefore receive a partial attainment statement and not a certificate, even if they had successfully completed the Technical Qualification within the T Level.
- 6.11 Our proposal to disapply our certification requirements is based on the government's policy intent that Technical Qualifications should only be certificated as part of the overall T Level and not as a standalone qualification in England. We would welcome views on the impact of our proposal to disapply our certificate requirements in order to allow this policy to be implemented.

Assessment availability

- 6.12 As set out above, we have proposed that all assessments within the Core should be taken in the same assessment series, and likewise all assessments within each Occupational Specialism should be taken together. We have proposed that there should be one assessment opportunity each year, in the summer.
- 6.13 This proposal could disadvantage some students who need to avoid taking assessments at particular times as a result of their protected characteristics, for example due to pregnancy or maternity, participation in religious festivals, or gender reassignment. It could also disadvantage students with certain disabilities, particularly those with chronic or fluctuating conditions. However, we consider that this approach best supports the maintenance of standards over time and protects time for teaching and learning.

Retakes

6.14 Students will not be required to retake the whole of the Technical Qualification if they decide that they need to retake. We have proposed instead that a student may retake:

- core knowledge and understanding
- core skills
- each Occupational Specialism

6.15 If a student decides to retake, then they must retake all of the assessments that relate to the element they are retaking (for example core knowledge and understanding).

6.16 The proposal not to require students to retake the whole of the Technical Qualification may have a positive impact on students with certain protected characteristics, who may struggle with one element of the Technical Qualification more than the others, as they will be able to retake only those parts that are necessary and will not be required to repeat assessments in which they have already achieved the required standard.

6.17 We have proposed that retakes should only be available during the main assessment window each summer, and that there will not be a separate retake opportunity. The proposal to only allow retakes during the summer exam series may potentially disadvantage students that share certain protected characteristics for the reasons set out under assessment availability above.

Grading

6.18 Occupational Specialisms will be graded Pass/Merit/Distinction, and we are consulting on whether there should be a 'Working Towards' grade to indicate that a student is just below the level of a pass.

6.19 The proposal to include a 'Working Towards' grade may have a positive impact on students that share protected characteristics. It could mean that a student that is unable to achieve a pass, for example because of a disability, will still have their achievement recognised.

Question 44

We have set out the ways in which our proposals could impact (positively or negatively) on students who share a protected characteristic. Are there any potential impacts that we have not identified?

Question 45

Are there any additional steps we could take to mitigate any negative impact, resulting from our proposals, on students who share a protected characteristic?

Question 46

Do you have any other comments on the impacts of our proposals on students who share a protected characteristic?

7. Regulatory impact analysis

- 7.1 We have considered the regulatory impact of our proposals and set out our view of the potential impacts below.
- 7.2 We are only considering the incremental impacts that relate directly to our proposals and not to the impacts that stem from the government decisions around the introduction, design and delivery of the new Technical Qualifications.
- 7.3 We have limited information at this time as to what the costs may be to awarding organisations if some or all of the proposals are implemented. We will use responses from this consultation to produce a detailed regulatory impact assessment in relation to our proposals and will use this to inform the decisions we take following this consultation. To aid those decisions, we will also engage with awarding organisations throughout the consultation period.

Accreditation requirement

- 7.4 We propose to require awarding organisations wishing to offer Technical Qualifications to be recognised to award Technical Qualifications and expect those Technical Qualifications to be accredited by Ofqual.
- 7.5 We acknowledge that organisations seeking to become recognised by Ofqual and/or recognised to offer Technical Qualifications will be required to meet our Criteria for Recognition and our General Conditions. We have taken steps to minimise any burden upon awarding organisations by ensuring that the recognition process is aligned with the government's T Level invitation to tender process.
- 7.6 We think it is important that we have oversight of how awarding organisations will design, deliver and award Technical Qualifications so that they meet the needs of the government, employers and students alike. For that reason, we are proposing that we undertake an accreditation activity with the aim of assessing whether the qualifications are capable of meeting our rules on an ongoing basis. We acknowledge that the process of accreditation will have some regulatory impact upon awarding organisations, however we consider this is necessary to ensure that the qualifications are sufficiently valid and of the right level of demand and that it is possible to maintain standards over time.
- 7.7 As part of our accreditation process, we will require awarding organisations to produce an assessment strategy (a formal document that sets out and governs their approach to assessing the qualification) and sample assessment materials in order to have confidence in their qualifications being fit for purpose.

- 7.8 We believe that whether or not we require awarding organisations to produce an assessment strategy, they will as a matter of course need to consider and address all of the issues that relate to the design, development and delivery of these new qualifications. We consider that this will limit the degree to which our proposed requirement will impact on awarding organisations. We have not proposed to set requirements for how this is presented, meaning awarding organisations may choose to draw on existing descriptions of processes.
- 7.9 We appreciate that awarding organisations being required to produce assessment strategies and to have sample assessment materials may bear additional costs. We also acknowledge that there may also be some additional impact and/or burden introduced through engagement with us in this process. However, we consider that this impact and/or burden is necessary to meet the government's expectations around these new qualifications. We would welcome views this.

Assessment availability

- 7.10 We have proposed that assessments for Technical Qualifications should be available once a year in the summer. This approach will reduce the potential burden on awarding organisations offering Technical Qualifications. The more often assessments are made available, the greater the burden on awarding organisations of having to develop, deliver, mark and award assessments. There is also an increased burden on schools and colleges having to administer these assessments and additionally a reduction in available teaching time caused by scheduling multiple assessment windows.
- 7.11 We do however recognise that this approach could introduce some additional manageability issues for schools, colleges and students. Under our proposed approach, assessments will need to be taken at the same time, (including at the same time as other qualifications such as GCSEs and A levels) it will not be possible to spread the burden of providing assessments across a year and all resources will be required at the same time, which could mean a greater overall number of assessors being needed to allow all assessments to take place at the same time.

Retakes

- 7.12 We have proposed that awarding organisations should only make retakes available during the summer examination series. We do not propose that a separate retake series should be allowed. We believe that allowing such a series would be more burdensome for awarding organisations in terms of scheduling and running and would have a greater impact on teaching time.

7.13 We do however recognise that some schools, colleges and students may prefer to be able to retake an assessment sooner than the following summer. We are therefore interested to know what the cost would be of allowing an additional retake series, including putting in place checks to ensure that it was only used for students retaking assessments.

Question 47

What do you anticipate the additional burden and cost to be of permitting an additional retake series and of ensuring this was only used for students retaking assessments?

Setting and marking assessments

7.14 We have proposed that all assessments for Technical Qualifications should be set and marked by the awarding organisation. This approach is likely to impose an additional burden on awarding organisations compared to an approach that allowed these processes to be delegated to schools and colleges. We have proposed this however as we believe it represents the most robust approach to marking. It also frees teachers to concentrate their efforts on teaching.

7.15 The additional burden of awarding organisations setting and marking assessments may be off-set to some extent by a reduction in the burden of having to moderate assessments marked by schools or colleges and carry out monitoring of schools and colleges. But we recognise that despite this, our proposal is likely to pose a burden to awarding organisations offering Technical Qualifications.

7.16 Our proposed approach would however act to minimise the impact on schools and colleges, as they would not be responsible to setting or marking students' assessments.

7.17 We would welcome views from all respondents on this proposal, however, we would particularly welcome views from awarding organisations in particular on the expected burden of this proposal as compared with an approach that allowed centre marking and moderation to take place.

Question 48

What do you anticipate the additional burden and cost to be of requiring all assessments to be set and marked by the awarding organisation compared with allowing marking by schools and colleges?

Review of marking and appeals

- 7.18 We have proposed to allow reviews of marking to be requested for individual assessments. This approach will reduce the burden of allowing reviews and appeals as it means that where a school or college's concern relates to, for example, a single assessment within the core knowledge and understanding element, awarding organisations will not be required to review all of the core knowledge and understanding assessments.
- 7.19 We propose that to support this, awarding organisations will need to provide results at a sufficient level of detail to allow schools and colleges to determine whether to scrutinise the student work and then whether to request a review. This will reduce the burden on schools and colleges, who will be able to check only those assessments they have concerns with, and will not be need to check all assessments before deciding to request a review.
- 7.20 We do however recognise that this approach may increase the number of reviews and appeals that awarding organisations receive overall, leading to a potential increased burden.

Disapplication of Conditions and Technical Qualification-specific guidance

- 7.21 We propose, as far as possible, to regulate Technical Qualifications in line with our approach for regulating other qualifications that we regulate. Awarding organisations are familiar with this approach and have processes in place to enable them to comply with such requirements.
- 7.22 As far as is possible, we have sought to ensure that our approach does not conflict with requirements put in place by the Institute in overseeing Technical Qualifications. This should help to reduce the burden posed by our requirements.
- 7.23 We will be removing some requirements that will not be relevant to Technical Qualifications. This will reduce the burden on awarding organisations of complying with our requirements.
- 7.24 We will be putting in place new statutory guidance against some of our existing Conditions. The guidance should make it easier for awarding organisations to understand our Conditions. Beyond the time taken to read the guidance, we do not expect this to pose an additional burden on awarding organisations.

Question 49

We have set out our view of the regulatory impact of our proposals on awarding organisations offering Technical Qualifications. Do you have any comments on this assessment?

Question 50

Are there any additional steps we could take to reduce the regulatory impact of our proposals?

Question 51

Are there any costs or benefits associated with our proposals which we have not identified?

7.25 We have a duty under the Apprenticeships, Skills, Children and Learning Act²⁶ to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications. We have committed in our Corporate Plan²⁷ to survey awarding organisations' views of the impact of our regulatory requirements on innovation and consider any revisions required in response. We do not believe that there is anything in our proposals that would prevent innovation by awarding organisations offering Technical Qualifications, but would welcome your views on this.

Question 52

We have not identified any ways in which our proposals will prevent innovation by awarding organisations offering Technical Qualifications. Do you have any comments on this assessment? Please provide specific examples.

²⁶ <http://www.legislation.gov.uk/ukpga/2009/22/contents> (section 129 (2) (g))

²⁷ <https://www.gov.uk/government/publications/ofquals-corporate-plan>

How to respond to the consultation

You can answer as many of the consultation questions as you like. You do not have to answer all of the questions, unless you wish to do so.

Please respond to this consultation in one of 3 ways:

- [complete the online response](#) (click 'Respond online' on the consultation homepage)
- download the response form from the consultation homepage and either:
 - email your response to consultations@ofqual.gov.uk – please include the consultation title *Regulating Technical Qualifications* in the subject line of the email and make clear who you are and in what capacity you are responding
 - post your response to: *Regulating Technical Qualifications*, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB, making clear who you are and in what capacity you are responding

Our Privacy Notice for respondents to this consultation can be found in [the response form](#).

Please respond by Monday, 6 August 2018 at 17:00.

8. Appendix A – Ofqual’s objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has 5 statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009;²⁸

1) The qualification standards objective, which is to secure that the qualifications we regulate:

- a) give a reliable indication of knowledge, skills and understanding; and
- b) indicate:
 - i) a consistent level of attainment (including over time) between comparable regulated qualifications
 - ii) a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) that we do not regulate

2) The assessment standards objective, which is to promote the development and implementation of regulated assessment arrangements which

- a) give a reliable indication of achievement
- b) indicate a consistent level of attainment (including over time) between comparable assessments

3) The public confidence objective, which is to promote public confidence in regulated qualifications and regulated assessment arrangements

4) The awareness objective, which is to promote awareness and understanding of

- a) the range of regulated qualifications available
- b) the benefits of regulated qualifications to learners, employers and institutions within the higher education sector
- c) the benefits of recognition to bodies awarding or authenticating qualifications

²⁸ <http://www.legislation.gov.uk/ukpga/2009/22/section/128>

5) The efficiency objective, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

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

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

The Equality Act 2010

As a public body, we are subject to the public sector equality duty.²⁹ This duty requires us to have due regard to the need to:

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

The awarding organisations that design, deliver and award Technical Qualifications will be required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications. For certain qualifications specified by the Secretary of State, we may specify certain adjustments that should not be made. Technical Qualifications are not at present specified by the Secretary of State.

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

²⁹ Equality Act 2010, s.149. <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

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

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

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

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

In setting the overall framework within which awarding organisations will design, assess and award Technical Qualifications, we want to understand the possible impacts of the proposals on learners who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex

- Sexual orientation

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

9. Appendix B – Summary of the Quality Assurance Framework for Technical Qualifications – The Institute-Ofqual Partnership

The quality assurance of Technical Qualifications (TQs) in T Levels will be achieved through a partnership between the Institute for Apprenticeships and Ofqual. The 2 organisations will work together to ensure that TQs meet the needs of employers and learners, and that they are good quality and are delivered safely.

The Institute's primary lever for quality assurance will be through the requirements set out in the contract for TQ delivery. Ofqual's primary lever comes through the Conditions that awarding organisations delivering TQs will be required to meet. These 2 sets of requirements have been designed to complement each other, with attention paid to removing and minimising duplication. The ITT for TQs sets out both the contractual and regulatory requirements that an awarding organisation must fulfil.

The tender process will be led by the Institute, with expert advice provided by Ofqual. Ofqual will not be involved in the decision-making process to select the winning bidder. awarding organisations that are selected by the Institute to deliver TQs must also be recognised by Ofqual to deliver TQs specifically. That means that both existing regulated awarding organisations and new market entrants will need to be selected through procurement, and also be recognised by Ofqual for TQ delivery. The Institute and Ofqual will ensure that any documents that are submitted to the Institute in the tender process are made available to Ofqual for the purposes of recognition, to save duplication for awarding organisations.

During the process of qualification development, the Institute and Ofqual will collectively provide feedback at 2 key points, before the final product is developed. The awarding organisation only needs to submit their qualification in development to the Institute, who will then make this available to Ofqual. The 2 organisations will provide feedback, through the Institute, on areas that present risk to successful approval and / or accreditation. To note, this feedback is non-binding and awarding organisations must continue to develop their qualifications to meet the requirements set out both in contract and regulation.

Once an awarding organisation has developed a TQ, they will submit it to the Institute for approval. As part of that approval process, the Institute will send the submitted materials to Ofqual for accreditation. A TQ must be both accredited by Ofqual and also approved by the Institute before it can be taught and awarded.

When in delivery each awarding organisation delivering TQs will need to fulfil contractual responsibilities to the Institute and their regulatory responsibilities to Ofqual. The Institute and Ofqual will share information about awarding organisations that is relevant to TQ delivery, to support effective quality assurance. Where issues

arise in how a TQ is delivered, the Institute and Ofqual will address those issues with the relevant awarding organisation in a way that is most efficient in protecting learners, and minimises burden on the awarding organisation, be that through contractual levers, regulatory levers, or a combination of the 2.

The Institute will work with employers to set the initial grade standards for TQs. Ofqual will regulate for the maintenance of grade standards, as set by the Institute, over time and across the cohort.

Each year the Institute and Ofqual will agree a programme of audits and evaluations of TQs to ensure that their quality is being maintained. This will be communicated to awarding organisations delivering TQs.

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