

CONSULTATION

Regulating Basic Digital Skills Qualifications

Consultation on Ofqual's approach to regulating Basic Digital Skills Qualifications

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Foreword

We are pleased to present our consultation on regulating the new Basic Digital Skills Qualifications which form a part of the government's plans to improve adult basic digital skills.

The purpose of these qualifications, set out by government, is to provide learners with the core digital skills and knowledge that will enable them to operate confidently, effectively and independently in life, and support progression into employment and further study. In our regulation of these qualifications, we seek to secure flexible qualifications that are relevant to users, while providing the assurance that learners have demonstrated the knowledge and skills needed to benefit from the opportunities the digital world offers.

The Department for Education (DfE) is seeking views on their plans to improve basic digital skills training for adults. As part of their consultation, they will be seeking views on the new national standards for basic digital skills. Basic Digital Skills Qualifications will align with these standards, the content of which is the responsibility of the government. The DfE is also seeking views on the levels at which the qualifications will be offered and the basis upon which they will be funded.

Our consultation sets out a proposed approach to regulating Basic Digital Skills Qualifications. We ask for views on their defining characteristics, including their design, delivery and awarding, and on the detailed work that will be required in order to maintain standards on an ongoing basis.

Our primary focus is to secure the DfE's intentions for these qualifications, to ensure that they give a reliable indication of the knowledge, skills and understanding being assessed and to promote user confidence in them. Our regulatory approach to Basic Digital Skills Qualifications will require us to balance flexibility of delivery with appropriate control over standards; this will inevitably lead to some trade-offs. We set out our proposals in detail here in order to seek your views.

If you have an interest in Basic Digital Skills Qualifications now and in the future, please let us know what you think about the options and proposals we set out here. We look forward to hearing from you.

Sally Collier

Chief Regulator

Proposals at a glance

Basic Digital Skills Qualifications (BSDQs) are new qualifications that seek to provide learners with the core digital skills needed to fully participate in society. They are being introduced by the Department for Education (DfE) as part of their plans to improve adult basic digital skills.

The DfE is currently consulting on new draft national standards for basic digital skills which will be used by awarding organisations and providers to develop BDSQs and basic digital training programmes.¹ The national standards are presented as:

- ‘Beginner’ – covering skills at Entry levels 1, 2 and 3;² and
- ‘Essential’ – covering skills at Level 1.

Our proposed approach seeks to ensure that awarding organisations have the flexibility to design qualifications which meet the needs of learners participating in government funded basic digital skills training, whilst ensuring that there are sufficient controls in place to secure confidence in the qualifications and ensure that standards can be maintained over time.

As far as possible, we propose to regulate these qualifications and the awarding organisations which offer them, through our General Conditions of Recognition.³ But, to secure the government’s curriculum intentions and our policy objectives for these qualifications, we propose to introduce a number of BDSQ-specific qualification levels rules.

Our proposed approach (covered in Part 1 of this consultation) is set out below. We set out in Part 2 of this consultation the draft Conditions and guidance that we have designed to deliver our policy approach. We welcome views on both the proposed policy approach and the draft Conditions and Guidance.

Qualification design

We propose to require that all BDSQs should comply with the new national basic digital skills standards being developed by the DfE. This would mean that all qualifications and assessments of those qualifications would need to cover all of the skills areas and skills statements set out within the national standards. We think that this is key to ensuring that learners gain the digital skills needed for life, work and further study, as government intends.

We are not proposing to set any detailed rules on the number of assessments required, assessment time or availability of assessments. While this approach may reduce the comparability of assessments offered by different awarding organisations, we feel that it is important that awarding organisations have flexibility to design qualifications that meet the needs of various groups of adult learners, and that it is valuable to users for these qualifications to be available on demand. We would however expect awarding organisations to explain and justify the approaches they are taking in relation to qualification design.

We are consulting on whether we should permit or prohibit unitisation within the new qualifications. We would welcome your views on the approach we should take here.

¹ DfE consultation: [Improving adult basic skills](#)

² [Qualification level descriptors](#)

³ [General Conditions of Recognition](#)

Setting, adapting and marking assessments

We are proposing that all assessments should be set by the awarding organisations, which should help to ensure the consistency of assessments over time.

However, reflecting on the different risks that are likely to attach to the Beginner (Entry level) BDSQs and the Essential (Level 1) qualifications, we propose to take different approaches to the marking of assessments. We propose that Essential (Level 1) BDSQs should be marked by the awarding organisations, but that centre marking should be permitted in Beginner (Entry level) BDSQs. We are also consulting on permitting additional flexibility in the Beginner BDSQs to allow centres to adapt the awarding organisation set assessments (though with sufficient controls around this approach).

Grading, awarding and setting and maintaining standards

We are proposing that there should be a single grading model for all BDSQs, and are consulting on this being a Pass/Fail approach. We are also proposing, in line with the national standards, that BDSQs should only be available at Entry level 3 (Beginner), and Level 1 (Essential).

We are consulting on requiring a mark based approach to BDSQs. We are proposing that learners' results should be based on overall performance across the whole skills standards.

We do not propose to set a single approach to standard setting, as this will depend on the awarding organisation's approach to the design of their qualifications and assessment availability. We do however propose to set out expectations around the evidence which we expect awarding organisations to rely on in setting standards and awarding their qualifications.

Other rules and the disapplication of certain General Conditions of Recognition

We are proposing to supplement the rules within the General Conditions around titling of qualifications to ensure that within the qualification title it is made clear whether BDSQs are 'Beginner' (Entry level 3) or 'Essential' (Level 1). This should ensure consistent and recognisable titling.

We are also proposing to set a bespoke Condition around Total Qualification Time/Guided Learning Hours for BDSQs. This is to reflect the DfE's consultation proposal that the guided learning hours for BDSQs should be a minimum of 45 hours.

We also think it will be necessary, and helpful, for us to disapply a small number General Conditions in line with the proposals set out above.

Assuring the approach to assessment

We are proposing to give awarding organisations flexibility in relation to many aspects of the design and delivery of these qualifications. We therefore propose to require awarding organisations to develop an assessment strategy document which explains their overall approach to each BDSQ. We think that these assessment strategies will play a vital role in helping us to understand each awarding organisation's approach and regulate their qualifications.

We also propose to carry out technical evaluation of the new qualifications. This evaluation will consider the design and proposed delivery of the new qualifications and will give us assurance about the new qualifications at the outset.

Note

This consultation only relates to the regulation of BDSQs and does not cover existing ICT qualifications or Functional Skills Digital/ICT.

Audience

This consultation is for anybody with an interest in improving basic digital skills for adults, including:

- Awarding organisations
- Education and training providers, including further education colleges, independent training providers, adult and community education providers
- Teachers and tutors
- Subject specialists
- Learners
- Employers

Consultation arrangements

Duration

This consultation will be open for ten weeks starting on 5 November 2018 and ending on 13 January 2019.

Respond

Please respond to this consultation by using one of the following methods;

- complete the online response at www.gov.uk/government/consultations/regulating-basic-digital-skills-qualifications
- email your response to consultations@ofqual.gov.uk - please include the consultation title in the subject line of the email and make clear who you are and in what capacity you are responding

For information on how we will use and manage your data, please see annex A.

Introduction

Introducing Basic Digital Skills Qualifications

As part of their plans to improve adult digital skills, the DfE is proposing to introduce a national entitlement to basic digital skills training from 2020.

The DfE has commissioned the development of new national Basic Digital standards to be used by awarding organisations and training providers to inform the development of basic digital skills training and associated qualifications. They are currently consulting on the draft national standards.⁴

BDSQs will be available from 2020.

The purposes of BDSQs

The Minister of State for Skills and Apprenticeships wrote to us setting out the purposes of BDSQs, and the range of factors we should take into account when determining our regulatory approach.⁵

The minister's letter confirms that the purposes of new BDSQs are to:

- support adults in gaining the digital skills and underpinning knowledge needed in life, work and further study
- provide reliable evidence of learners' achievements against the new national standards
- prioritise the needs of adult learners aged 19 and over

The letter also confirms the minister's desire that these qualifications should be made up of units, and an expectation that they should follow a standard titling convention in order to improve recognition, consistency and transferability.

The letter goes on to note that there is a balance to be struck between the need to encourage innovation and flexibility in the design of BDSQs, while making sure that employers and learners have confidence in the qualifications and their assessment standards.

There is also a confirmation that these qualifications will not play a part in the government's accountability system, with the exception of qualification achievement rates.

New national standards

The DfE is currently consulting⁶ on new national Basic Digital Skills standards. The draft standards are presented as:

⁴ DfE consultation: [Improving adult basic skills](#)

⁵ [Basic Digital Skills Letter from Anne Milton MP to Sally Collier: 4 June 2018](#)

⁶ DfE consultation: [Improving adult basic skills](#)

- ‘Beginner’ – designed for adults with little or no prior experience of using digital devices or the internet. This ‘Beginner’ level equates to Entry levels 1, 2 and 3 in the Regulated Qualifications Framework (RQF) level descriptors.
- ‘Essential’ – designed for adults with some experience of using digital devices and the internet but lacking secure basic digital skills. The ‘Essential’ level equates to Level 1 and aims to set out the knowledge and skills required to undertake the full range of digital tasks typically needed in life and work in an informed and safe manner.

The standards, for both Beginner and Essential, are set out in 5 skills areas:

- Handling information
- Creating and editing digital content
- Communicating
- Transacting
- Being safe and responsible online

To ensure the standards remain relevant, the DfE is proposing that they are reviewed at least every 3 years.

Whilst we welcome comments addressing our approach to the assessment of the standards, please respond to the DfE’s consultation if you have any comments that relate specifically to their content.

Ofqual’s role in introducing BDSQs

We hold awarding organisations to account for designing, delivering and awarding qualifications that are fit for purpose. This consultation will help to determine our regulatory approach to BDSQs, as well as the conditions and guidance that we are proposing to put in place to regulate the new qualifications.

The consultation is set out in 2 parts:

- in Part 1 we explain our proposals for regulating BDSQs. We provide our rationale for the rules we plan to put in place and ask for your views
- in Part 2 we consult on the draft conditions and guidance we are proposing to put in place to regulate BDSQs

Throughout the consultation, where we have identified regulatory or equalities impacts, we have included questions addressing those impacts. We have also included a series of questions at the end of the consultation asking for any further views regarding the impact of our proposals.

Part 1: Proposals for regulating Basic Digital Skills Qualifications

1. Our approach to regulating BDSQs

- 1.1. In developing our regulatory approach, we have had to consider the government's curriculum intentions for BDSQs, alongside our objectives and duties. These include 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.
- 1.2. We set out below the key policy considerations that have influenced our overall approach to regulating BDSQs. We welcome your views on these considerations.

Striking a balance between flexibility and comparability

- 1.3. The government has set out an expectation that flexibility and innovation should be encouraged in the development of these new qualifications. Flexibility is important if the government's curriculum intention of meeting the needs of a diverse range of learners is to be met. Innovative approaches to the design and delivery of these qualifications, including the use of on-line assessment, can also encourage learners to participate in learning.
- 1.4. We recognise however that the more flexibility we allow in the design of the qualifications, the less comparable the qualifications offered by different awarding organisations will be. This is an inevitable trade off.
- 1.5. Hence we think that we should seek to build in comparability where it does not unnecessarily restrict flexibility. We will not seek to promote flexibility to such an extent that users could not have confidence in the qualifications, and their standards being maintained over time.

Considering the different uses of Beginner and Essential qualifications

- 1.6. We recognise that there are likely to be differences in the ways in which Beginner and Essential BDSQs will be used and the risks that attach to them.
- 1.7. We think, for example, that it is possible that the Essential BDSQs could be used as an entry requirement for employment or wider study. The Beginner qualifications are less likely to be used in that way. Instead, it may be that they would often be used as a way to progress onto an Essential BDSQ.
- 1.8. We therefore propose to take into consideration these varying uses and risk factors when developing the rules we put in place for the qualifications at these different levels.

Conditions and Guidance

- 1.9. Our General Conditions and Guidance were designed to enable us to regulate a wide range of qualification types. We therefore propose, as far as possible, to regulate BDSQs and the awarding organisations that deliver them against the General Conditions.
- 1.10. We do however think that we will need to introduce some BDSQ specific Conditions and Guidance. This is in order to achieve the government's curriculum intentions, and

to ensure public confidence in the qualification, and the maintenance of standards over time.

- 1.11. We also think it will be necessary for us to disapply a small number of General Conditions, either to reduce unnecessary regulatory burden on awarding organisations, or where this is necessary because we intend to produce a bespoke BDSQ Condition.

Question 1: Do you have any comments on our proposed approach to regulating BDSQs?

2. Our proposals: qualification design

Qualification purpose

- 2.1. We think it is important for a qualification to have a well-defined 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.
- 2.2. All BDSQs should provide learners with the skills and underpinning knowledge they need to participate in a digital society. In order to help make sure the qualifications achieve this, we propose that each BDSQ should have the same purpose.
- 2.3. In other qualifications where the government has set out an intended purpose, we have set the purpose out as part of our regulatory requirements documents. We therefore propose to include a qualification purpose in our Qualification Level Conditions document for BDSQs.⁷
- 2.4. We propose that the qualification purpose in our conditions should be consistent with the intentions set out in the minister's steer letter.
- 2.5. We do not propose to make the purpose statement a rule. Instead, it will sit within the introductory section of our document and will frame and provide context for all our rules for BDSQs.
- 2.6. We have developed our proposed requirements for BDSQs with the intention that they should fulfil the purposes set out below:
 - to enable learners to develop the basic digital skills required for life, the significant majority of jobs and further study, as set out in the Basic Digital Skills National Standards
 - to provide reliable evidence of learners' attainment in relation to the Basic Digital Skills National Standards

Question 2: Do you have any comments on the purpose statement for BDSQs which we propose to set out in our Qualification Level Conditions?

Compliance with new national standards

- 2.7. As set out above, the proposed Basic Digital Skills standards are separated into:
 - Beginner (covering skills statements at Entry levels 1, 2 and 3) – designed for adults with little or no prior experience of using digital devices or the internet; and

⁷ To note, awarding organisations will still have to ensure that each qualification they make available has a clear objective as required by General Condition E1.1 and E1.2.

- Essential (covering skills statements at Level 1) – designed for adults with some experience of using digital devices and the internet but lacking secure basic digital skills.
- 2.8. The standards, for both Beginner and Essential are set out in 5 skills areas.⁸ In each skills area there are a number of skills statements which are accompanied by amplification notes. These set out the parameters of each skill as well as referencing underpinning knowledge.
- 2.9. We propose to require that all BDSQs comply with the DfE’s new national standards for basic digital skills.
- 2.10. In some qualifications with set content which changes relatively infrequently (for example reformed Functional Skills, GCSEs and A levels) we have adopted DfE content into our regulatory framework.
- 2.11. Given the nature of the BDSQ content we would expect changes to be relatively frequent. The DfE have set out in their consultation an intention to review the national standards at least every 3 years. We think it is important that awarding organisations cover the national standards in their qualifications, but that there should be sufficient flexibility in our approach to accommodate changes or updates made to the standards over time.
- 2.12. Therefore, we propose not to adopt the national standards into our regulatory framework, but instead intend to require full coverage within each BDSQ of all of the skills areas and skills statements set out in the standards for the relevant level (Beginner or Essential). We would expect each set of assessments for a BDSQ to cover the full range of skill areas and skills statements set out in the Basic Digital Skills standards.
- 2.13. We are not intending to specify coverage of the amplification set out alongside the national standards, as this is intended to support the interpretation of the skill statements, rather than be explicitly assessed itself. Though we would expect the coverage of the national standards to be in line with the amplification.
- 2.14. We also do not intend to set rules regarding the weighting of particular skills areas or skills statements in assessments. Rather, we propose to require awarding organisations to explain to us their overall approach to the coverage of the national standards. This is because there are legitimate reasons why the weightings for different skills might vary between assessments, depending on the nature of the task, or the needs of particular groups of learners.
- 2.15. We believe that our proposed approach strikes the right balance between ensuring comparable content coverage across BDSQs, whilst permitting flexibility and allowing changes to the content so that BDSQs continue to meet the needs of users.

Question 3: To what extent do you agree or disagree with our approach to securing compliance with the national standards?

⁸ Handling information, creating and editing digital content, communicating, transacting, being safe and responsible online.

Structure and unitisation

- 2.16. Some qualifications that we regulate have separate units of assessment. These units appear on our register with distinct titles, can be separately certificated, and, in combination, result in the award of a qualification.
- 2.17. The government has indicated a preference for BDSQs to be unitised qualifications. Unitisation is viewed as a way to allow learners to develop, and gain certification of, specific skills where they are lacking, without requiring repeat learning or assessment.
- 2.18. It is important that BDSQs represent value for money. We note that a unitised approach could potentially result in savings where learners only need to be funded to take individual units which relate to the skills they are lacking, rather than be funded for a whole qualification.
- 2.19. Unitisation may also allow for a more flexible approach to learning and assessment, taking account of the different needs of learners likely to take BDSQs. We recognise that some learners, in particular those with certain learning difficulties or disabilities, might have difficulties accessing a full BDSQ. Building up a qualification unit-by-unit may enable those learners to participate in learning which might not otherwise be possible.
- 2.20. However, we think that the skills areas in the new national standards are highly interrelated and that to separate them into units could prevent learners from developing a secure understanding of the full range, and integrated nature, of the digital skills required for life, work and further study.
- 2.21. Additionally, given the relatively limited scope of the national standards, and the DfE's expectation that these qualifications would represent a minimum of 45 Guided Learning Hours, units assessing individual skills areas would be very small in size, and would in all likelihood not cover a meaningful number of skills statements.
- 2.22. We also think there could be a risk of over assessment in unitised qualifications as the same skill could be covered several times across different units. The need for reliable certification of each unit could lead overall to more assessment than needed to certificate the whole qualification reliably.
- 2.23. Depending on an awarding organisation's approach, unitisation could also lead to awarding organisations issuing high numbers of certificates, with differing titles, which would not help to achieve the recognition and transparency required by ministers for the new BDSQs.
- 2.24. We could mitigate some of the challenges posed by unitisation by setting detailed rules about the number, size, and content of units within BDSQs. This, however, would not achieve the aim of awarding organisations having the opportunity to develop innovative and flexible qualifications which meet the needs of a diverse group of learners.

2.25. We would welcome your views on the approach we should take to unitisation. We could look to prohibit unitisation through the rules that we set, or alternatively we could permit unitisation by remaining silent on the point.⁹

2.26. It is important to emphasise that the prohibition of unitisation would not prevent an awarding organisation from structuring their qualifications into multiple different assessments, where it would be appropriate for them to do so.

Question 4: Do you think we should permit or prohibit unitisation? Please give your views on the benefits and disadvantages of unitisation.

Question 5: What are the likely impacts (positive and negative) of us permitting or prohibiting unitisation on learners who share a particular protected characteristic?¹⁰

Assessment times

2.27. For other qualifications we have introduced requirements around assessment time as one way of making qualifications offered by different awarding organisations more comparable. We do not believe such a requirement is necessary for BDSQs, as we want to allow awarding organisations to take a number of different, innovative approaches to assessment to meet user needs.

2.28. We recognise that by not requiring minimum and/or maximum assessment times there is a trade off with comparability. Varying lengths of assessment could result in actual and perceived differences in qualification demand. On balance though, we think setting assessment times would not be appropriate here, as any improvements to comparability would be outweighed by negative impacts on flexibility and innovation.

2.29. Instead, we propose to require awarding organisations to explain their approach to deciding assessment times. Where a qualification is made up of several assessments, we would expect an explanation of the approach, and details of the individual assessment times would be required.

2.30. In their explanation, awarding organisations would need to explain how their approach will:

- produce reliable results
- support coverage of the national standards
- not lead to unduly long assessments which have an adverse impact on learners

Question 6: To what extent do you agree or disagree that we should not introduce requirements regarding assessment times for BDSQs?

⁹ To note, the draft Conditions that we have produced have been drafted in a way which prohibits unitisation. If following consultation we decided to permit unitisation, the relevant wording would be removed from the draft Conditions.

¹⁰The 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.

Assessment availability

- 2.31. We considered whether to restrict when or how often assessments can occur. For example, we could limit assessments to certain windows within a year. However, we recognise that restricting availability would reduce the flexibility that users of the qualifications are likely to value.
- 2.32. A key purpose for BDSQs is to give learners access to important digital skills that are needed in life, work and further study. Restricting when learners could take their assessments could lead to unnecessary delays to entering employment or further study.
- 2.33. We therefore propose to take a flexible approach to assessment availability in BDSQs, allowing awarding organisations offering the qualifications to take a number of different approaches, including:
- set days when assessments are available
 - set periods when assessments are available
 - on-demand availability
- 2.34. A flexible approach to assessment availability does create challenges for comparability, predictability and security of assessments.
- 2.35. Where an awarding organisation has several assessments available at a given period or on demand, we would want them to be of the same demand. We would also want this for assessments that are delivered in different ways (for example, online versus paper-based). We would also want to be sure that awarding organisations were taking appropriate steps to manage issues of predictability and security of assessments.
- 2.36. To help address these concerns, we propose to require awarding organisations to explain their approach to assessment availability.

Question 7: To what extent do you agree or disagree that we should not place restrictions around availability of assessments in BDSQs?

Number of assessments

- 2.37. We have considered whether to set a requirement around the number of assessments for BDSQs, and do not think it is necessary.
- 2.38. While setting a rule around the number of assessments could act to increase the comparability of BDSQs offered by different awarding organisations, it would restrict the assessment design options available. There are different, innovative and valid approaches that awarding organisations could take to deciding the number of assessments, and we would not wish to close these down.
- 2.39. We also propose to require awarding organisations to explain their approach to the number of assessments, including explaining how the approach taken in their qualifications:

- supports effective assessment of the content
- allows them to have control of qualification standards
- remains manageable for learners and centres

Question 8: To what extent do you agree or disagree that we should not set requirements around the number of assessments within individual BDSQs?

Approach to assessment

- 2.40. As set out above, the national standards for Basic Digital Skills cover 5 skills areas and are highly interrelated. We believe that learners' results should be based on their overall performance across the skills standards and that performance should be assessed in a compensatory manner that is, with strengths and weaknesses in performance permitted to balance each other. If qualifications were unitised, this compensation would be within, but not between, units. If qualifications were not unitised, it could be both within and between any constituent components. Either way, we would expect approaches to grading to reflect that the aim of these qualifications is to indicate attainment of the necessary digital skills overall.
- 2.41. In terms of the nature of assessment decisions to be made, we could permit approaches where assessors judge learner performance against specified assessment criteria, making decisions as to whether each learner has met all or sufficient of the criteria to have passed the assessment.
- 2.42. However, we believe it would be beneficial i) to require mark-based approaches, and ii) to separate the allocation of marks from decisions about grading. This should give awarding organisations greater ability to standardise assessment decisions, both within centres and within their own examining teams, and to ensure that variations in assessment difficulty are considered appropriately in determining pass marks.

Question 9: To what extent do you agree or disagree that we should require a compensatory approach to assessment within BDSQs?

Question 10: To what extent do you agree or disagree that we require both Essential and Beginner BDSQ assessments to use mark-based approaches to assessment?

Setting, marking and adapting assessments

Setting assessments

- 2.43. Currently, similar digital and ICT qualifications in the marketplace use a variety of approaches to the design and setting of assessments. We believe it is appropriate to require a degree of awarding organisation control for BDSQs to increase user confidence in the qualifications and ensure reliable evidence of learner achievement against the new national standards.
- 2.44. We therefore propose that all assessments for BDSQs at both skills levels (Beginner and Essential) are set by awarding organisations.

2.45. Requiring awarding organisations to set the assessments will help ensure that all the digital skills as set out in the national standards are sufficiently covered. It will also help ensure that the standards and demand of the assessments are consistent, regardless of when or where learners take their assessments.

Question 11: To what extent do you agree or disagree that we should require awarding organisations to set all BDSQ assessments?

Marking assessments

2.46. The highest level of control we could introduce around marking is for awarding organisations to mark all assessments. However, we recognise that requiring awarding organisation marking could introduce burden, in particular on awarding organisations.

Essential (Level 1) BDSQs

2.47. As we have said earlier in the consultation, we think that it is possible that the Essential BDSQs will be used to aid progression into work or further programmes of study. In addition, the qualifications at this level might be used with younger learners (for example to support a wider programme of study at Level 2).

2.48. We therefore think it would be appropriate for awarding organisations to mark the Essential assessments to provide the highest level of confidence in these qualifications.

Beginner (Entry level) BDSQs

2.49. Beginner BDSQs are more likely to be used to progress learners to the Essential (Level 1) BDSQ. We therefore think that it would be appropriate for centre marking to be permitted (though not required) in these qualifications.

2.50. We recognise that our proposals for the Beginner BDSQs reduce the control that awarding organisations have over the assessments. However, we need to ensure that we do not impose unnecessary burden on awarding organisations. We think that the risks inherent in the Beginner BDSQs are lower than those that relate to Essential BDSQs, given their potential uses.

2.51. Any centre marking is governed by requirements in our General Conditions of Recognition. In circumstances where centres are marking assessments, these require:

- the awarding organisation to put in place appropriate arrangements around centre marking, which must be monitored and enforced by the awarding organisation
- there to be a centre agreement in place, which sets out the controls around the relationship between the centre and the awarding organisation
- the awarding organisation to provide guidance and information around the aspects of the qualification the centre is expected to deliver

- the awarding organisation to have in place clear and effective arrangements to undertake moderation of any centre marked assessment

2.52. We consider these requirements should secure effective controls around centre marking.

2.53. While we think that centre marking is an appropriate approach for Beginner BDSQs, we would not wish to prevent awarding organisations from taking greater control in these assessments if they wish, or where they need to. Therefore, we propose to allow centre marking, rather than require it.

Question 12: To what extent do you agree or disagree that we require Essential (Level 1) BDSQs to be marked by the awarding organisation?

Question 13: To what extent do you agree or disagree that we allow Beginner (Entry level) skill level assessments to be centre marked?

Adapting assessments

2.54. DfE expects BDSQs to meet the needs of a diverse range of adult learners. Writing tasks suitable for all learners might be difficult for awarding organisations in this instance.

2.55. Whilst we think it is important that awarding organisations set all assessments (see above), we consider that there could be some merit in allowing centres to adapt contexts in assessments for Beginner BDSQs in order to ensure that the qualifications are relevant and accessible to the learners taking them.

2.56. We think this of greater importance for learners on the Beginner BDSQ courses who are demonstrating more basic skills, and for whom an unfamiliar context could cause particular difficulty. Whereas we would expect learners taking Essential BDSQs, to be able to respond effectively to a range of tasks, as these qualifications are preparing them for life, employment and further study.

2.57. We propose to allow adaptation of contexts in assessments for Beginner BDSQs. However, in order to ensure the validity of the assessment, we propose to only permit adaptation which does not change the nature of the skills being assessed, the demand of the task, or the level of the assessment.

2.58. We will also require awarding organisations to provide guidance and support to centres around any adaptation of assessments they allow, and provide us with an explanation of their approach.

2.59. We do not consider it appropriate to allow adaptation of assessments for Essential (Level 1) BDSQs.

Question 14: To what extent do you agree or disagree that we should allow, but not require, assessments for Beginners BDSQs to be contextualised by centres?

Regulatory impact of our proposals for setting, marking and contextualisation of assessments

- 2.60. We have proposed to require specific approaches to setting, and marking assessments for BDSQs, including the requirement that all assessments are set by the awarding organisation, and that assessments at the 'essential' (Level 1) skills level are marked by the awarding organisation.
- 2.61. We appreciate that requiring awarding organisations to set and mark assessments and, where appropriate, provide guidance on adapting the context in assessments may impose additional costs on awarding organisations.
- 2.62. We also recognise that allowing centres to adapt the context in assessments for the Beginner BDSQs may introduce burden for both centres and awarding organisations. For example, awarding organisations would be required to provide guidance to centres around this and monitor the quality of assessments.
- 2.63. We believe that our proposed approach is necessary to secure the government's and our own expectations for BDSQs, in particular to provide sufficiently reliable evidence of learners' achievements against the national standards.
- 2.64. The extent of these additional costs and burdens will largely depend on the awarding organisation's approach to assessment.

Question 15: What are the costs, savings or other benefits associated with our proposals? Please provide estimated figures where possible.

Question 16: Is there any additional information we should consider when evaluating the impact of our proposals?

Grading and awarding

- 2.65. We think it is important that there is a single grading approach for BDSQs. This will make the qualifications easy to recognise and users will better understand what a result indicates. Our proposal is that BDSQs should have a Pass/Fail grading approach. This will provide a clear indication that learners have demonstrated the skills set out in the national standard.
- 2.66. We considered the introduction of a wider grading scale, for example a 'pass, merit, distinction' model. However, we note the following:
- the aim of BDSQs is to certify that learners have achieved a baseline of digital skills needed for life, work and further study, rather than to attest to varying levels of attainment, so the use of a Pass/Fail grading scale appears well aligned to this
 - the relatively limited scope of the national standards means that they are unlikely to provide enough content to allow for reliable differentiation between learners in a way that would support an approach with more than one pass grade

- if the pass mark intends to certify attainment across the full range of skills, then it is likely that the pass mark would be set at a relatively high proportion of the total mark. This could make it difficult to fit in multiple levels of additional grades above pass
- introducing a scale (such as 'pass, merit and distinction') could confuse users of the qualification. For example, it might be difficult to distinguish between a pass grade at Essential (Level 1) or a distinction at Beginner (Entry level)

Question 17: To what extent do you agree or disagree that we should require a single grading approach across BDSQs?

Question 18: To what extent do you agree or disagree that, if a single grading approach is required, that a Pass/Fail grading model should be used for BDSQs?

- 2.67. We recognise that the Beginner Basic Digital Skills standard covers skills across Entry levels 1, 2 and 3, and that there could therefore be an argument for awarding the qualification at each of these levels. However, this does not align with the approach taken in the national standard which reflects the interrelated nature of the skills across the Entry levels, and the fact that there is not sufficient content to reliably distinguish between these different levels.
- 2.68. We therefore propose that the Beginner BDSQ should be awarded at Entry level 3 only.
- 2.69. The Essential Basic Digital Skills standard covers skills set at Level 1. We therefore propose to require that Essential BDSQs should be awarded at Level 1.
- 2.70. BDSQs will not be permitted to be awarded at any other level.

Question 19: To what extent do you agree or disagree that we should require the Beginner (Entry level) BDSQs to be awarded at Entry level 3?

Question 20: To what extent do you agree or disagree that we should require the Essential (Level 1) BDSQs to be awarded at Level 1?

Setting and maintaining standards

- 2.71. Setting and maintaining standards is an important part of an awarding organisation's responsibility. For a new qualification, an awarding organisation must set the initial performance standard which is worthy of a pass grade and then maintain that standard over time with new cohorts of learners.
- 2.72. The most appropriate approach to setting and maintaining standards will depend on the organisation's approach to the design of their assessments and assessment availability.
- 2.73. Therefore, as there could be a number of acceptable approaches to assessment design, we do not propose to set a single technical approach to standard setting for BDSQs. Instead, we will require awarding organisations to explain to us the approach they are taking to this and to the maintenance of standards over time within their qualification.

- 2.74. We do however propose to set certain expectations around the evidence which awarding organisations must rely upon in their approach. We would expect this to include, where available, both statistics (for example, previous pass rates) as well as assessor judgement.
- 2.75. We would expect a full explanation of the technical methods used, including analysis and evidence, to be provided.

Question 21: To what extent do you agree or disagree with our proposals around the setting and maintenance of standards in BDSQs?

Titling

- 2.76. The minister has indicated that BDSQs should follow a standard titling convention.
- 2.77. Condition E2.1 of the General Conditions of Recognition requires awarding organisations to ensure that the title on the Register of any qualification which it makes available includes the following information:
- the name of the awarding organisation
 - the level of the qualification
 - the type of qualification (where the qualification has a type)
 - a concise indication of the content of the qualification
 - any Endorsement known at the time the qualification is submitted to the Register
- 2.78. The General Conditions of Recognition will therefore secure a standard title for the qualifications.
- 2.79. However, in addition, we are proposing to explicitly signal alignment with the new national standards by introducing a requirement that BDSQs use DfE's Beginner and Essential descriptors in their title as relevant.
- 2.80. This will make it easier to identify BDSQs amongst other ICT or digital qualifications. It will also allow users to easily identify similar qualifications offered by different awarding organisations and will ensure consistency in titling.

Question 22: To what extent do you agree or disagree with our proposal to secure a standard titling convention for BDSQs?

Guided Learning Hours and Total Qualification Time

- 2.81. Condition E7 requires awarding organisations to assign to each qualification that it makes available a number of hours for Guided Learning (GLH) and Total Qualification Time (TQT).

2.82. TQT is comprised of two elements:

- the number of hours which an awarding organisation has assigned to a qualification for Guided Learning. In the case of BDSQs, the DfE is proposing that this will be a minimum of 45 GLH
- an estimate of the number of hours a Learner will reasonably be likely to spend in preparation, study or any other form of participation in education or training, including assessment, which takes place as directed by – but, unlike Guided Learning, not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training

2.83. We do not ordinarily set TQT or GLH figures for individual qualifications. This is because these figures relate to the teaching time for a particular qualification which we do not have remit over. We do however have the power to set such requirements where the appropriate figure has been determined.

2.84. As the DfE is proposing to set a specific expectation around GLH for BDSQs, we think that it is appropriate to produce a bespoke TQT Condition for BDSQs that takes this into account.

Question 23: To what extent do you agree or disagree that we should set a bespoke Condition which requires the Guided Learning Hours for BDSQs to align with any figure set by the DfE?

Disapplication of certain General Conditions of Recognition

2.85. As set out above we propose to disapply a small number of General Conditions, for example in order to reduce unnecessary regulatory burden on awarding organisations, or because we intend to produce a bespoke BDSQ Condition. We set out below the Conditions we propose to disapply:

- **Conditions E1.3 to E1.5** – these Conditions require awarding organisations to only make a new qualification available once they have consulted potential users and can provide evidence of support. Given that these qualifications are being introduced as part of a government led reform programme we do not think it is necessary to require awarding organisations to produce evidence of support for their new qualifications.
- **Condition E7** – this Condition relates to TQT and GLH. As set out above, we intend to produce a BDSQ specific Condition for GLH. We therefore propose to disapply the General Condition as it will have been replaced by a bespoke Condition.
- **Condition E9** – this Condition relates to the assignment of levels to a qualification. As set out above, we propose to require that Beginner BDSQs must be awarded at Entry level 3, and Essential BDSQs at Level 1. We propose to prevent BDSQs from being awarded at any other level. Given this approach it will be unnecessary for awarding organisations to assign a particular level to a qualification. We therefore propose to disapply this General Condition.

Question 24: To what extent do you agree or disagree with our proposal to disapply General Conditions E1.3 to E1.5, E7 and E9?

3. Assuring the approach to assessment

Assessment strategies

- 3.1. In a number of our proposals, for example compliance with national standards, number of assessments, and assessment times, we have indicated that we would expect 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 BDSQ.
- 3.2. We think requiring an assessment strategy will play a vital role in helping us to understand each awarding organisation's approach and to regulate their qualifications. Assessment strategies will be considered as part of our technical evaluation (see following section).
- 3.3. We would expect an awarding organisation's assessment strategy to provide a comprehensive picture of the steps and approach an awarding organisation will take in relation to the design, delivery and marking of assessments for, and the award of, a qualification.
- 3.4. We would expect this to be presented in 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.
- 3.5. We would also expect the assessment strategy to 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.
- 3.6. We are proposing to set rules which require awarding organisations to:
 - establish and maintain an assessment strategy for each BDSQ they offer
 - ensure their assessment strategy sets out how they will comply, on an ongoing basis, with all of the rules that apply to BDSQs
 - design, set, deliver and mark all assessments for BDSQs in line with their assessment strategy
 - keep their assessment strategies under review, and notify us of any changes to them
 - review their assessment strategy when we ask them to, and make any changes we request
 - if we ask them to, show how they have complied with their assessment strategy (or explain why not) and follow any instructions we give them about complying with their assessment strategy

- 3.7. We propose that the assessment strategy should set out in detail the awarding organisations' approach in the following areas:
- **design of the qualification** – this would include coverage of national standards, qualification structure, availability of assessments, assessment time and number of marks
 - **delivery** – this would include developing assessment materials, assessment setting arrangements, assessor standardisation, marking process, monitoring marking, malpractice and security arrangements
 - **centres** – this would include centre assessment, centre guidance and training, approach to marking, centre monitoring arrangements, moderation of centre marked assessments
 - **standard setting and maintenance** – this would include approach to ensuring decisions in relation to standard setting follow an appropriate technical methodology, approach to ensuring decisions about standard setting are based on an appropriate range of evidence, and approach to ensuring decisions in relation to standard setting to promote comparability
- 3.8. For full details of the requirements we are proposing to put in place, we recommend that you read the detailed requirements set out in the second part of this consultation.

Question 25: 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?

Question 26: To what extent do you agree or disagree with our proposed approach to setting rules for assessment strategy documents?

Technical evaluation

- 3.9. Our proposals aim to ensure that the needs of qualification users are considered appropriately and that qualification standards are set and maintained appropriately. We have taken steps to allow awarding organisations freedom in terms of how they design, deliver and award their qualifications so that they meet the needs of learners. However, we also think it is important that we have oversight of the approaches the awarding organisations are proposing to take, so that we can be assured the qualifications will work to meet the government's and our own objectives.
- 3.10. We use a range of evaluation approaches to check that qualifications are working effectively. This includes the technical evaluation of qualifications before they are in delivery as well as once they are made available to learners. In the case of BDSQs, which are new qualifications, we think it would be valuable to review aspects of them against our rules both before delivery and then once they have been made available. As appropriate, this may include the assessment strategy (if we adopt this proposal) and any sample assessment materials. We are a risk-based regulator, and the approach we take to evaluation of BDSQs will be targeted and proportionate.

- 3.11. If we identify issues with the qualification, we may require the awarding organisation to take certain actions to rectify them. If an awarding organisation does not take the necessary action, we may take regulatory action.
- 3.12. To ensure our requirements for this technical evaluation process are set out clearly, we propose to put in place rules which require awarding organisations to do the following:
- notify us at an early stage that they intend to make the qualifications available
 - provide us with any information we request to support our technical evaluation of the qualification
 - make any changes we require to their assessment approach – we could require these changes to be made either before or after the qualification is made available, depending on the nature of the changes required

Question 27: To what extent do you agree or disagree with our proposals around the technical evaluation process?

Regulatory impact of our proposals on assessment strategies and technical evaluation

Assessment strategies

- 3.13. In all BDSQs, we are proposing to require awarding organisations to produce an assessment strategy (a formal document that sets out their approach to assessing the qualification) in order to have confidence in their qualifications being fit for purpose.
- 3.14. 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 qualifications. We consider that this will limit the degree to which our proposed requirement will impact on awarding organisations, but would welcome views on this.

Technical evaluation

- 3.15. We appreciate that awarding organisations being required to produce assessment strategies and have sample assessment materials may lead to additional costs (see above). We also acknowledge that there may also be some additional impact and/or burden introduced through engagement with us in the technical evaluation process. We think this impact and/or burden is necessary to ensure that the new qualifications meet the government's expectations. We would welcome views on this.

Question 28: What are the costs, savings or other benefits associated with our proposals which we have not identified? Please provide estimated figures where possible.

Question 29: Is there any additional information we should consider when evaluating the impacts of our proposals?

Part 2: Our proposed qualification level rules and guidance

4. Our proposed qualification level conditions and guidance

4.1. Alongside this consultation we have published a draft document that sets out:

- our conditions and requirements for Basic Digital Skills Qualifications
- our guidance for Basic Digital Skills Qualifications

4.2. These have been developed in line with the proposals set out in Part 1 of this consultation document.

Structure of our proposed rules

4.3. Our rules begin with a set of high level conditions that set out our overarching rules for:

- compliance with the new National Standards
- disapplication of certain General Conditions of Recognition
- assessment strategies
- levels and titling
- technical evaluation
- Total Qualification Time
- assessment
- standard setting
- qualification structure

4.4. These conditions are supported by more detailed requirements that set out our:

- assessment requirements
- requirements in relation to the specified levels of attainment
- assessment strategy requirements

Structure of our guidance

4.5. Our proposed guidance includes the interpretation of the new national Basic Digital Skills standards, the number of assessments, and standard setting.

Question 30: Do you have any comments on our proposed Conditions and requirements for BDSQs?

Question 31: Do you have any comments on our proposed Guidance for BDSQs?

5. Regulatory Impact Analysis

- 5.1. Throughout this consultation, we have highlighted where we believe our proposals have notable impact, cost or resource implications for awarding organisations. Here, we ask that you consider any additional regulatory impacts that you have identified, which have not already been addressed elsewhere in the consultation.

Question 32: Are there any regulatory impacts that we have not identified arising from our proposals?

Question 33: If yes, what are the impacts and are there any additional steps we could take to minimise the regulatory impact of our proposals?

Question 34: Are there any costs, savings or other benefits associated with our proposals which we have not identified? Please provide estimated figures where possible.

Question 35: Is there any additional information we should consider when evaluating the costs and benefits of our proposals?

- 5.2. We have a duty under the Apprenticeships, Skills, Children and Learning Act¹¹ to have regard to the desirability of facilitating innovation in connection with the provision of regulated qualifications. We have committed in our Corporate Plan¹² to survey awarding organisations' views of the impact of our regulatory requirements on innovation and consider any revisions required in response.
- 5.3. We believe that the approach we are proposing to take to regulate BDSQs, will allow awarding organisations to take innovative approaches to the design and delivery of these qualifications. We would however welcome views on whether there is anything in our proposals that would prevent innovation by awarding organisations offering BDSQs.

Question 36: Do you have any comments on the impact of our proposals on innovation by awarding organisations?

6. Equality Impact 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 Annex B how this duty interacts with our statutory objectives and other duties.
- 6.2. We have considered how our proposals might affect people who share a protected characteristic¹³ and we have already asked a question on the likely impacts of us

¹¹ www.legislation.gov.uk/ukpga/2009/22/contents (section 129(2)(g))

¹² www.gov.uk/government/publications/ofquals-corporate-plan

¹³ 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.

permitting or prohibiting unitisation on learners who share a protected characteristic (Question 5).

- 6.3. We have not identified any additional equalities impacts to the one set out above. We have also not identified any impact on persons who share the protected characteristics of sex, racial group, religion or belief, sexual orientation or gender reassignment.
- 6.4. Here, we ask that you consider any additional equality impacts that you have identified, which have not already been addressed elsewhere in the consultation.

Question 37: Are there any potential impacts (positive or negative) on learners who share protected characteristics that we have not identified?

Question 38: Are there any additional steps we could take to mitigate any negative impact, resulting from our proposals, on learners who share a protected characteristic?

Question 39: Do you have any other comments on the impacts of our proposals on learners who share a protected characteristic?

Annex A - Your data

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

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). We are a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at dprequests@ofqual.gov.uk or write to us at: Data Protection Officer, Ofqual, Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH.

As part of this consultation process you are not required to provide your name or any personal information that will identify you, however we are aware that some respondents may be happy to be contacted by Ofqual in relation to their response. If you or your organisation are happy to be contacted with regard to this consultation, please give your consent by providing your name and contact details in your response.

Our legal basis for processing your personal data

For this consultation, we are relying upon your consent for processing personal data. You may withdraw your consent at any time by contacting us using the details above.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details, we may contact you in relation to your response.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships (IFA) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. If we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFA with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Following the end of the consultation, we will publish a summary of responses and may publish copies of responses on our website, www.gov.uk/ofqual. We will not include personal details.

We will also publish an annex to the consultation summary listing all organisations that responded. We will not include personal names or other contact details.

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients or including member of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

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

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

How long will we keep your personal data

For this consultation, Ofqual will keep your personal data (if provided) for a period of 2 years after the close of the consultation.

Your data

Your personal data:

- will not be sent outside of the European Economic Area
- will not be used for any automated decision making
- will be kept secure

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

Your rights, e.g. access, rectification, erasure

As a data subject, you have the legal right to:

- access personal data relating to you
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances

- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details set out above.

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months. Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at ico.org.uk, or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If there is any part of your response that you wish to remain confidential, please indicate so in your response.

Annex B - Ofqual's objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

Ofqual has five statutory objectives, set out in the Apprenticeship, Skills, Children and Learning Act 2009.¹⁴

- 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; and
 - 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, and
 - b) indicate a consistent level of attainment (including over time) between comparable assessments
- 3) **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements
- 4) **The awareness objective**, which is to promote awareness and understanding of
 - a) the range of regulated qualifications available,
 - b) the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and
 - c) the benefits of recognition to bodies awarding or authenticating qualifications
- 5) **The efficiency objective**, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

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.

¹⁴ <http://www.legislation.gov.uk/ukpga/2009/22/section/128>

The Equality Act 2010

As a public body, we are subject to the public sector equality duty.¹⁵ 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 Basic Digital Skills Qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications.

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.

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 BDSQs, 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

¹⁵ <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

- 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.



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