

ANALYSIS OF CONSULTATION RESPONSES

Implementation of Technical Qualifications

Consultation on rules and guidance for Technical
Qualifications

ofqual

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Introduction

Our consultation on our rules and guidance for Technical Qualifications took place between 3 September and 28 October 2018. Respondents could complete the questions online or download and submit a response. A copy of the consultation is available at <https://www.gov.uk/government/consultations/implementation-of-technical-qualifications>.

There were 10 responses to the consultation.

In addition, we held 2 consultation events in London and Manchester and a webinar. There were 50 attendees across these events.

Background

T Levels are being introduced by the government, and will be level 3, classroom-based, technical study programmes which will mainly be studied at an education or training provider. T Levels will consist of:

- a Technical Qualification
- a T Level industry placement
- maths and English requirements (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 e.g. licence to practise
- any further employability, enrichment and pastoral (EEP) provision (as required in all study programmes)

Ofqual will regulate the Technical Qualification within T Levels. We announced our approach to doing this on 3 September following our previous consultation. Details of our previous consultation and decisions are available here:

<https://www.gov.uk/government/consultations/ofquals-approach-to-regulating-technical-qualifications>.

This consultation was about the rules and guidance we propose to put in place in order to deliver this approach. We set out the wording of our proposed rules and guidance in the following areas:

- qualification purpose
- assessment strategies and outline content
- assessment structure
- assessment objectives
- controls on taking assessments
- assessment availability and retakes
- setting and marking assessments
- prior learning
- Total Qualification Time (TQT)
- grading
- setting and maintaining grade standards

- results and certification
- reviewing and appealing results
- disapplication of General Conditions

We also set out our regulatory impact assessment and equalities impact assessment for these proposals.

Who responded?

We received 10 responses to our consultation.

Table 1: Breakdown of consultation responses

Personal/organisation response	Respondent type	Number
Organisation	Awarding Organisation	5
Organisation	Other representative body	5

All respondents were based in England or Wales. One indicated they were additionally based in Wales, and one was additionally based in Wales and Northern Ireland.

In addition to those that responded to the consultation, there were 50 attendees at our consultation events and webinar. We report on these later in this document following the analysis of the individual questions.

Approach to analysis

The consultation included 19 questions and was published on our website. Respondents could respond using an online form, by email or by posting their responses to us.

This was a consultation on the views of those who wished to participate and, while we tried to ensure that as many respondents as possible had the opportunity to reply, it cannot be considered as a representative sample of any specific group.

We present the responses to the consultation questions in the order in which they were asked. For each of the questions, we presented our proposals and then asked respondents whether they had any comments on what we had proposed. Respondents did not have to answer all of the questions. Some respondents chose to provide general comments instead of responding to the specific proposals. During the analysis, we reviewed every response to each question.

In some instances, respondents answered a question with comments that did not relate to that question. Where this is the case, we have reported those responses against the question to which the response relates rather than the question against which it was provided.

Analysis – consultation responses

In this section, we report the views, in broad terms, of respondents to the consultation. We list the organisations who responded to the consultation in appendix A.

Question 1: Do you have any comments on our proposed assessment strategy Condition and requirements?

Respondents generally supported these proposals. 6 respondents (3 awarding organisations and 3 representative bodies) provided comments to this question. Some of these were general comments relating to other questions and we have included those against the relevant questions in this report. Of those that related to this question:

- One awarding organisation requested guidance, in relation to the assessment strategy requirements relating to the coverage of outline content, on managing situations where amendments to content resulted in changes which could negatively impact learners.
- One awarding organisation felt that it was important that when Ofqual reviews assessment strategies as part of its accreditation process, this is done as efficiently as possible. They commented that in the event that a qualification is not accredited, Ofqual should provide comprehensive feedback to allow an awarding organisation to address identified issues.

Question 2: Do you have any comments on our proposed assessment objective guidance for the core examination?

4 respondents (2 awarding organisations and 2 representative bodies) agreed with Ofqual's proposals and had no further comments.

2 awarding organisations provided additional comments:

- One awarding organisation was supportive that we require *“a reasonable balance’ between the weighting of the assessment objectives which leaves room for awarding organisations to make sensible choices at the point of developing a core exam”*
- One representative group stated that awarding organisations should be required to make the meaning and their interpretation of the assessment objectives specific and clear to learners.

Question 3: Do you have any comments on our proposed assessment objective guidance for the core project?

3 respondents (1 awarding organisation and 2 representative bodies) stated that they supported these proposals without providing further comments.

2 respondents (both awarding organisations) provided additional comments:

- One awarding organisation commented that the assessment objective guidance that learners should be required to *“use maths, English and digital skills as appropriate”* could disadvantage learners with disabilities by creating barriers to access.
- One awarding organisation requested clarification on our reasoning for being more prescriptive about the assessment objectives for the core examination than for the core project. They commented that the less-prescriptive nature of the assessment objective guidance for the core project could lead to variable interpretations and inconsistency across different Technical Qualifications.

Question 4: Do you have any suggestions for further requirements or guidance on the controls around assessments, in addition to those set out?

6 respondents (4 representative bodies and 2 awarding organisations) provided comments on these proposals.

In their comments, respondents highlighted the following areas:

- that assessments should be accessible to as wide a range of learners as possible, including those with disabilities;
- the need for any processes relating checks on teachers' assessment of skills to be made clear to centres, and that these should not unduly burden centre staff;
- the importance of practical assessment, to ensure that learners are able to apply the required skills in the workplace;

One awarding organisation commented that the restriction on allowing centre-marking only in 'exceptional circumstances' is unnecessary. They commented that all assessment models should be considered, as long as they are subject to sufficient controls.

One awarding organisation commented that the requirements around authentication could negatively impact the assessments. They said that in some occupations collaboration is a key skill in determining threshold competence and that some occupational specialisms may benefit from an approach that allows collaboration.

In response to this question, some respondents also made more general comments that related to the structure of the assessment, and the controls that may be required as a result.

- One representative group raised concerns about the use of examinations and whether these were the optimal method of assessing 'practical skills', as well as whether this type of assessment would encourage 'teaching to the test'. They were also concerned as to the balance between examination and project work and if an overreliance on the examination would negatively affect learner motivation and employer confidence. They also felt that the difference in grading structures for the two parts of the Technical Qualification (A*-E and Pass/Merit/Distinction) was unnecessarily confusing.
- One awarding organisation commented that there was a risk to the validity of judgemental boundaries for grading (A and E) where cohort numbers are low. In addition, they raised the risk of atypical cohorts in the first two years, due to the newness of the qualification and the variability of learner backgrounds.

Question 5: Do you have any comments on our proposed Conditions, requirements and guidance on setting and maintaining grade standards?

One representative body felt there was a lack of clarity around the proposed approach to grading, using a combination of A* - E grades and Pass/Merit/Distinction grades, which they felt conflated approaches used in general and vocational qualifications. They commented that both parts should use the same grading scale, which should then be aggregated for an overall grade.

Question 6: Do you have any comments on the details of any of our proposals for Conditions for the review of marking, moderation and appeals of Technical Qualifications? Please refer to specific Conditions in your answer.

4 organisations (3 awarding organisations and 1 representative group) were supportive of our proposed approach and 3 representative groups did not comment.

Of those who did comment:

- One awarding organisation raised a concern that they felt our proposed marking, moderation and appeal Conditions were drawn from the GCSE and A level model and that this was not fit for purpose in a vocational qualification such as a Technical Qualification due to the differing structure, requirements and purposes. This awarding organisation was also concerned about the burden that this could impose on awarding organisations who do not currently deliver GCSEs and A levels as they would have to create this system from new.
- One awarding organisation was supportive of our clarification of the language in TQ11 (Review of marking of centre-marked assessments), although they felt we could have gone further in using more widely-recognised terms such as “*mark scheme*” in place of “*criteria against which Learners’ performance is differentiated*”. They did note though that such an approach may sacrifice some of the preciseness of the Conditions.
- There were conflicting views relating to the provision of marked assessments to learners:
 - One representative group suggested that marked assessment materials should be provided to learners as a matter of course;
 - One awarding organisation commented that the provision of these to learners could introduce unnecessary regulatory burden.
- One representative group had interpreted our requirements as removing the barrier to a learner’s mark being lowered on review of moderation. They commented that if this was the case, it could suppress the number of appeals from centres.

Question 7: Do you have any comments on the details of our proposed guidance for how an awarding organisation should approach Condition TQ13 (Review of Moderation), Condition TQ15 (Administrative Error Review), Condition TQ16 (Review of marking of Marked Assessment Material) or Condition TQ17.2 (Appeals process for Technical Qualifications)?

4 respondents (1 awarding organisation and 3 representative groups) provided no comments. 2 respondents (1 awarding organisation and 1 representative group) commented to that they supported our proposals, but added no further comments.

4 respondents (3 awarding organisations and 1 representative group), provided additional comments to this question. 2 awarding organisations questioned the utility of our guidance for centres, stating that there was a lack of clarity and that it would be useful to make the section relating to awarding organisations providing centres with reasons for their review and appeal decisions clearer. They felt that the reason for an awarding organisation decision would depend on the specific reasons identified by centres for submitting a review or appeal in the first place.

Additionally, respondents made some specific comments relating to the drafting, and the meaning of particular words or terms within this guidance.

Question 8: Do you have any comments on the specific wording or details of our proposed guidance for how an awarding organisation should make a substantive determination as to whether or not a Marking Error exists?

One awarding organisation commented on this question. They commented that they were pleased that Ofqual had taken the opportunity to change terms for the guidance to make it easier to access, for example the word “*answer*” as opposed to “*response to a task*”.

However they felt that we could still go further in simplifying the words used, to more closely reflect those used by awarding organisations.

Question 9: Do you think any other Conditions between TQ9 and TQ22 require guidance? If so, please describe what issues and areas the guidance should address.

4 respondents (2 awarding organisations and 2 representative groups) did not provide a comment on this question. 1 awarding organisation and 1 representative group supported the proposal, but gave no further comments.

3 respondents (1 awarding organisation and 1 representative group) provided the following further comments:

- 2 awarding organisations commented on the use of the term ‘reasonable’ where it appears in the Conditions, requesting greater clarity on this to prevent differing interpretations.
- One representative group requested that Ofqual keeps the need for guidance under regular review and develops it, where required, in the future.

Question 10: Do you have any comments on our proposed rules for new Technical Qualifications?

5 respondents (2 awarding organisations and 3 representative groups) did not provide a comment on this question directly.

One awarding organisation commented that “*The proposed rules around assessment seem appropriate by limiting assessments to a minimal number as possible and allowing a retake window where necessary*” citing the flexibility this allows awarding organisations and learners in allocating resources to these assessments.

Other respondents raised concerns about the accountability of awarding organisations in areas where they are dependent on the decisions of third parties such as the Institute, for example relating to Total Qualification Time (TQT) and Recognition of Prior Learning (RPL). In particular, they feel it would be unfair for awarding organisations to be held accountable for non-compliance stemming from decisions made by third parties over which they have no control.

Respondents also made some comments throughout their responses which did not relate to the individual questions asked. In order to reflect these responses, we have provided a summary of those additional comments here.

Respondents commented on our proposed requirements relating to assessment availability and retakes, specifically:

- the potential burden that could be caused with the assessment window overlapping the GCSE and A Level assessment window;
- that we should be clear that learners can use retake opportunities to improve grades;
- whether the core exam and the core project need to be taken together for retakes, or whether these can be taken independently;
- that awarding organisations should be required, not just permitted, to make a second assessment series available. Not having additional assessment series’ could disadvantage learners who were unavoidably absent during the assessment window.

2 respondents made general points highlighting concerns regarding the perceived constraints which awarding organisations have to operate under in Technical Qualifications. In particular, these concerns related to content and some aspects of assessment design.

Respondents also commented on whether this may create risks to awarding organisations' ability to fully protect learners' interests in the event of changes to the outline content.

Question 11: Do you have any comments on our proposed guidance for new Technical Qualifications?

4 respondents (3 awarding organisations and 1 representative group) did not provide a comment on this question. Two representative groups supported the proposed guidance, but gave no further comments.

Of those who did comment:

- One awarding organisation and 2 representative groups responded to this question, with comments relating to certification. These centred on concerns or disagreement with our proposed approach to not requiring awarding organisations to issue certificates for Technical Qualifications to learners in England. Respondents felt this could cause confusion for learners.
- Respondents requested clarification on what logo requirements will apply to certificates issued outside of England, potentially within the jurisdiction of other regulators, i.e. QW and CCEA.
- One representative group had comments relating to whether awarding organisations will be held accountable for non-compliance as a result of actions by other organisations, such as the Institute, for example relating to the transmission of information about results, where an awarding organisations may be reliant on systems and processes which they do not control.

Question 12: Are there any regulatory impacts that we have not identified arising from our proposals?

5 respondents (2 awarding organisations and 3 representative groups) did not provide a comment on this question.

Respondents commented on a number of general and specific areas. General comments included:

- concerns with the number of Conditions, particularly pertaining to the review and appeals of results and that this creates a burden on awarding organisations,
- that there was felt to be a "*proliferation*" of different rules for different qualifications which can be confusing and increase burden.

Respondents made some specific comments relating to how our qualification level conditions, requirements and guidance interact with the existing General Conditions, for example the requirements around Recognition of Prior Learning.

Question 13: Are there any additional steps we could take to minimise the regulatory impact of our proposals?

3 respondents (1 awarding body and 2 representative groups) had no further comments to those already provided above. Of those that did comment:

- One awarding organisation commented that consolidating specific Technical Qualifications guidance and general guidance where possible, reviewing (for duplication) and reducing the number of Conditions would be helpful.
- One awarding organisation thought that Ofqual should consider alternate approaches to reviews and appeals, without providing any further information on what such approaches might be.

- One awarding organisation felt we should clarify ambiguous regulatory language and areas which are open to interpretation by awarding organisations, such as quality assurance

Question 14: Are there any costs or benefits associated with our proposals which we have not identified?

Question 15: Is there any additional information we should consider when evaluating the costs and benefits of our proposals?

5 respondents (1 awarding organisation and 4 representative groups) provided comments, these included:

- That there would be costs to centres from the likely increase in exam fees due to the externally marked nature of the assessments, and that this could have an effect on the financial viability of centres.
- That there would be costs involved in the ‘upskilling’ of centre staff, although the respondent acknowledged that this will be an eventual benefit to the centre.
- One representative group raised concerns about the impact of the assessments and qualification structure on the mental health of learners.

Question 16: Do you have any comments on any ways in which our proposals will prevent innovation by awarding organisations?

8 respondents (4 awarding organisations and 4 representative groups) provided comments in response to this question.

- Two respondents (1 awarding organisation and 1 representative group) commented that they did not believe that our proposals will prevent innovation.
- Two respondents (both representative groups) made general comments about the delivery model for T Levels, commenting that the single provider model will stifle innovation due to a lack of competition.
- Four respondents (3 awarding organisations and 1 representative body) made comments relating to the approach to assessment. They commented that the approach to only allow centres to mark assessments where there are issues relating to validity or manageability could prevent awarding organisations from seeking to adopt innovative approaches that involve centre marking.

Question 17: We have not identified any proposals which could impact (positively or negatively) on learners who share a protected characteristic. Are there any potential impacts that we have not identified?

Question 18: 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 19: Do you have any other comments on the impacts of our proposals on learners who share a protected characteristic?

5 respondents (4 representative groups and 1 awarding organisation) provided additional comments to these questions.

- One representative group commented that at the point of qualification development, it may be difficult to identify impacts, and that there may be more identifiable impacts once awarding organisations have created their qualifications.

- One representative group commented that an emphasis on external assessment could negatively impact on students with learning difficulties, particularly if these assessments were exam-based. They also commented that it would be important to ensure that assessment tasks are varied.
- One representative group commented that it would be important for awarding organisations to take account of religious festivals when timetabling assessments. They also commented that awarding organisations should be required to make assessments available in accessible forms.
- One representative group repeated previous comments relating to the decision not to require awarding organisations to issue certificates for students taking Technical Qualifications in England. This respondent commented that whilst it recognised this reflected government policy, this approach could negatively impact on disabled students who could not complete the whole T Level programme because of their disability.
- One awarding organisation commented that the requirement to assess maths, English and digital within the Core project could disadvantage learners, and that arrangements should be put in place to enable disabled learners to access these.

Respondents did not make any other comments in relation to the impact of our proposals on learners who share a protected characteristic.

Views expressed – consultation engagement events

Background

As part of our consultation we held two consultation engagement events. These were in:

- London on 11 September 2018
- Manchester on 13 September 2018

Our consultation engagement events were attended by 20 people in total.

At these events, we set out our proposed Conditions, requirements and guidance, working through each in detail, providing opportunity for attendees to discuss these, provide feedback, and ask questions.

We also ran a webinar on 19 September. This was attended live by 30 people. On the webinar, we explained our proposals and answered questions on the proposals that had been submitted in advance.

Views expressed

Attendees at these events and the webinar did not provide formal feedback on a question by question basis, so have not been included in the analysis section above (although attendees may also have responded formally to the consultation, in which case their views will have been included as part of the analysis of responses). Attendees were instead provided with an opportunity to discuss and ask questions about the specific detail of our requirements.

The majority of views expressed at the events mirror those that we have reported in the formal consultation analysis above. As such, we do not repeat in detail the comments made.

Attendees generally felt the proposed Conditions, requirements and guidance were clear. Some attendees made general comments about the need for Ofqual's requirements to align with those set by others, for example for Ofqual's assessment strategy requirements to align with those included as part of the contract with the Institute. Attendees also commented on some of the policy decisions that have previously been taken, in particular relating to our decision to disapply our Conditions requiring awarding organisations to certificate students completing Technical Qualifications in England. As these related to previously announced policy decisions, these were outside of the scope of this consultation.

In relation to marking of assessments, attendees raised questions about the circumstances in which centre-marking might be permitted. They recognised that the starting point would be for all assessments to be marked by awarding organisations, but requested further clarity about the circumstances in which centre-marking might be permitted, and who would make a decision on this.

Attendees commented on our proposed Conditions in relation to the recognition of prior learning, in particular that until further content is approved, it will be difficult to say with certainty what the likelihood of it being possible to transfer attainment between Technical Qualifications.

Attendees also commented on our proposed Condition in relation to TQT. They said that the content for the first Technical Qualifications to be developed sets ranges as opposed to single figures in relation to the Guided Learning Hours (GLH). They felt it would be helpful if this was referred to in our Conditions.

In relation to our standard setting requirements, whilst attendees felt the requirements were clear, they highlighted the need for a mechanism to facilitate working across awarding organisations offering different Technical Qualifications in order to set standards. Attendees also queried how they would access some of the evidence required for setting standards, and the weighting that should be given to such evidence.

Attendees also commented on the Conditions and guidance relating to reviews of marking, reviews of moderation and appeals. Views on this were mixed – typically those attendees that had experience of the equivalent arrangements in GCSE, GCE and Project qualifications felt these requirements were easier to understand than those that did not. Attendees commented on aspects that may be out of an awarding organisation's control, for example in relation to dates for completing reviews.

Appendix A: List of organisational consultation respondents

When completing the questionnaire, respondents were asked to indicate whether they were responding as an individual or on behalf of an organisation. Below we list those organisations that submitted a non-confidential response to the consultation.

Association of Colleges

City & Guilds

CLEAPPS

FAB

National Education Union

NCFE

OCR

Pearson

The Student Room

WJEC



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