Decisions on the regulation of Essential Digital Skills Qualifications

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Contents

Introduction

The Department for Education (DfE) is seeking to introduce new basic digital skills qualifications to provide learners with the core digital skills needed to fully participate in society. They are being introduced to improve adult basic digital skills.

In 2018, DfE consulted on new national standards for basic digital skills, which would be used by awarding organisations and training providers to inform the development of basic digital skills training and associated qualifications[1].

In November 2018, we consulted on our approach to regulating the new qualifications[2], taking account of the letter[3] we received from the Minister of State for Skills and Apprenticeships. We consulted on both our policy proposals and on the rules (the Conditions, requirements and Guidance) which would implement our policy proposals.

Following their consultation on the draft national standards, DfE have changed the title of the national standards from basic digital skills to essential digital skills. The new digital qualifications will therefore be called Essential Digital Skills Qualifications.

This document sets out the decisions we have made following our consultation. In reaching our decisions, we considered the consultation responses we received, the views of attendees at our consultation events with awarding organisations, and decisions made by DfE following their consultation on the national standards, described above. DfE have also shared with us relevant feedback from their consultation on the national standards.

Summary of decisions

We have decided to make changes to the following proposals and associated draft Conditions, requirements and Guidance.

- **Qualification purpose -** We have changed the qualification purpose statements to align with the new purpose set out by DfE

- **Compliance with national standards** - We have revised our requirements for compliance with national standards to align with the DfE's curriculum expectations

- **Titling** - We have revised our titling requirements to align with the changes made by DfE to the titling of the national standards. The qualifications will now be titled Essential Digital Skills Qualifications (EDSQs)

- **Disapplication of General Conditions E1.3 to 1.5** - We will no longer dis-apply this General Condition, which requires awarding organisations to demonstrate support for qualification development. We think that this is necessary in light of the greater flexibility now permitted in compliance with the national standards

- **Total Qualification Time and Guided Learning Hours** - We have adjusted our bespoke Total Qualification Time (TQT) Condition to align with the DfE's revised figure for Guided Learning Hours (GLH)

- **Marking -** We no longer require awarding organisations to mark Level 1 assessments

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[1] https://www.gov.uk/government/consultations/improving-adult-basic-digital-skills
[2] https://www.gov.uk/government/news/consultation-into-regulating-basic-digital-skills-qualifications
[3] https://www.gov.uk/government/publications/basic-digital-skills-letters-from-dfe-and-ofqual

We have decided to adopt the following proposals and to implement the associated qualification-level Conditions, requirements and Guidance, without change, to:

- regulate primarily through the General Conditions of Recognition, with a limited number of qualification level Conditions

- require that all assessments should be set by the awarding organisations

- require that marking of assessments at Entry level is permitted to be conducted either by the awarding organisation, or a centre

- permit centre adaptation of assessments at Entry level, but not at Level 1

- require a single Pass/Fail grading model

- require the qualifications only to be available at Entry level 3, and at Level 1, in line with the national standards

- require a mark-based approach to assessment, with learner's results being based on overall performance across the whole skills standards

- set out our expectations around the evidence we would expect awarding organisations to rely on in setting standards and awarding their qualifications, but not to require a single approach to standard setting

- require all awarding organisations to explain and justify the approaches they are taking to designing, delivering and awarding their qualifications in an assessment strategy document

- carry out a technical evaluation of the qualifications

- disapply General Conditions E7 (Total Qualification Time) and E9 (Qualification and component levels) to allow for bespoke qualification level conditions

Details

Our approach to regulating these qualifications

What we proposed

We asked for comments on the key policy considerations that influenced our overall approach to regulating these qualifications. The considerations were:

- striking a balance between flexibility and comparability - that we should seek to build in comparability where it does not unnecessarily restrict flexibility, but 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 Entry level and Level 1 qualifications – that we will take into consideration the varying uses of qualifications and the associated risk factors when developing the rules we put in place for the qualifications at these different levels

- Conditions and Guidance – that we will need to introduce some qualification specific Conditions and Guidance to achieve the government's curriculum intentions, and to ensure public confidence in the qualification, and the maintenance of standards over time

Responses received

The majority of respondents supported our approach to regulate primarily through our General Conditions and to introduce a limited number of qualification-level Conditions, requirements and Guidance. Most felt that we had achieved the right balance between flexibility and comparability.

A minority of respondents, including some awarding organisations, felt that we should introduce more rules to ensure greater comparability between awarding organisations. We address these comments later in the document.

There was more disagreement with our views about the use and risk attached to the different levels of qualifications. Some respondents felt that we were overstating the likelihood that Level 1 qualifications would be used as an entry requirement for progression to employment or further study. They felt that it was not necessary therefore to expect the highest level of control by requiring Level 1 assessments to be marked by awarding organisations.

Our decision

We will regulate EDSQs primarily through the General Conditions with a limited number of bespoke qualification level Conditions. We believe that to introduce more rules would restrict flexibility.

In light of the DfE's new purpose for these qualifications (see overleaf), we have revisited our views about the uses and risks associated with the Level 1 qualification and the consequential approach to marking. This is discussed later in the section on marking assessments.

Our proposals: qualification design

Qualification purpose

What we proposed

We asked for comments on the following purpose statements, which we proposed to set out in the foreword to our qualification level Conditions:

- 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

Responses received

The majority of respondents suggested no changes to these qualification purposes, but we received some feedback to the consultation and at the awarding organisation workshops that the purpose statements were too broad and did not take account of the differing needs of learners. For example, some learners may wish to focus only on the basic digital skills required for every-day life and not on those which had a greater focus on employability.

We also received feedback that the value of these qualifications as a route to employment was overstated by including the phrase 'significant majority of jobs' in the purpose statement. It was felt that this phrase was potentially misleading to users and might suggest that qualifications were preparation for specific employment routes. This wording was previously included in the draft national standards but has been removed following the DfE's consultation.

As noted earlier, DfE have changed the title of the national standards from 'basic digital skills' to 'essential digital skills', and have set out in their consultation response [4], a qualification purpose and their curriculum expectations for the new qualifications.

> *Essential digital skills qualifications will enable adults to develop the digital skills they need for life, work or further study, as set out in the essential digital skills national standards. To support a range of purposes, these qualifications must cover all five of the skill areas from the national standards, and may cover some, or all, of the skills statements in each skill area.*

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[4] https://www.gov.uk/government/consultations/improving-adult-basic-digital-skills

Our decision

We have decided to revise our qualification purpose statement, which will be included in the introduction to the EDSQ Conditions, to better align with the DfE's new qualification purpose and the changes to the titling of the national standards. It is now:

Essential digital skills qualifications should fulfil the following purposes:

- to enable learners to develop the digital skills they need for life, work or further study as set out in the National Standards for Essential Digital Skills

- to provide reliable evidence of learners' attainment in relation to the National Standards for Essential Digital Skills.

Compliance with national standards

What we proposed

We proposed that:

- we would require awarding organisations to comply with the national standards but would not adopt the national standards into our regulatory framework

- by comply, we meant that we would require the full coverage within each qualification of all of the skills areas and skills statements set out in the standards for the relevant level

- we would therefore expect each set of assessments to cover the full range of skill areas and skills statements set out in the national standards

- we would not specify coverage of the amplification set out alongside the national standards, as this was intended to support the interpretation of the skill statements, rather than be explicitly assessed itself; we would however expect the coverage of the national standards to be in line with the amplification

- we would not set rules regarding the weighting of particular skill areas or skills statements in assessments

- we would require awarding organisations to explain to us their overall approach to the coverage of the national standards

- we would require awarding organisations to have regard to the outcomes of any review of the national standards

This was set out in draft *Condition BDSQ1 Compliance with BDS National Standards and the draft Guidance on Condition D3 and BDSQ1.1.*

Responses received

The majority of respondents agreed with our proposed approach to compliance with national standards, agreeing that it was necessary for comparability and user confidence in the qualifications.

A minority of respondents disagreed with our proposed approach because they felt that our requirement for full coverage of the skills areas and skills statements restricted awarding organisations' ability to tailor the qualifications to meet the needs of different learners.

As mentioned earlier, DfE have now set out their curriculum expectations for EDSQs. They set out that all qualifications must cover all five skills areas set out in the national standards (using devices and handling information, creating and editing, communicating, transactions,

and being safe and responsible online), but not necessarily all the specific skills statements. Inclusion of these will depend on the purpose and objective of each question.

Our decision

As a result of the DfE's intentions, we have decided that it is necessary to amend our definition of compliance with the national standards (i.e. no longer requiring full coverage of each of the skills statements). We will also require awarding organisations to explain and justify their approach to coverage of the national standards in their assessment strategy.

We have revised our Conditions to reflect this change and introduced additional guidance.

We will implement the other aspects of our proposed approach to compliance with the national standards unchanged.

Structure and unitisation

What we proposed

We set out the benefits and risks around unitised qualifications and invited views on whether we should permit or prohibit unitisation.

We also asked what the likely impacts (positive and negative) would be of us permitting or prohibiting unitisation on learners who share a protected characteristic.

We included draft *Condition BDSQ9 Qualification Structure*, which prohibited unitisation, explaining that if our final decision was to permit unitisation, we would remove this Condition and would be silent on the issue. This would mean that awarding organisations could decide whether or not to develop unitised qualifications.

Responses received

The majority of respondents were either in favour of unitisation or felt that we should not prescribe how awarding organisations structured their qualifications.

Respondents did not raise any benefits which we had not considered but emphasised that the type of learners likely to take these qualifications (those with protected characteristics, adults, offender learners) would be more likely to engage in digital learning if they could achieve units, which assessed the particular skills they needed, with the opportunity to build up to a full qualification and a wider range of digital skills over time.

Two respondents thought that we should prohibit unitisation, agreeing with the risks we identified in our consultation.

At our workshops, some awarding organisations also expressed the view that unitised qualifications would be costly for awarding organisations to run and would create an administrative and assessment burden for centres. There were differing views on how Ofqual should approach the issue of unitisation and whether we should allow different approaches to unitisation by being silent on the issue.

Our decision

We have looked again at the benefits and risks of permitting unitised qualifications, particularly in the context of the types of learners DfE expect to take these qualifications and the new qualification purpose statement.

We think that prohibiting unitisation in this case, taking account of the qualification purpose and DfE's curriculum expectations, might limit awarding organisations' ability to design flexible qualifications, which would encourage these learners to participate in digital learning.

We also think that we will be able to mitigate the risks of unitisation driving poor assessment design or posing challenges to the maintenance of standards through our technical evaluation process and standard setting requirements.

We have therefore decided to remain silent on the issue of unitisation and have removed the draft Condition prohibiting unitisation. Awarding organisations will be able to decide whether or not to develop unitised qualifications. They must however explain and justify their approach to qualification structure and assessment design in their assessment strategies and explain how any risks to maintenance of standards are being mitigated.

Assessment times

What we proposed

We proposed that we should <u>not</u> introduce requirements regarding assessment times.

Instead, we proposed to require awarding organisations to explain their approach to deciding assessment times. 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

This explanation would be included in awarding organisations' assessment strategies as set out in draft *Condition BDSQ3 Assessment strategies* and our draft Assessment Strategy requirements.

Responses received

The majority of respondents agreed with our proposal not to set rules about assessment times.

A minority of respondents disagreed with our proposed approach, saying that set assessment times were necessary for comparability, and that not specifying assessment times might lead awarding organisations to compete on the basis of the length of the assessment.

Our decision

We have considered this feedback in the context of our approach to other qualifications. In GCSE reform, we only regulated to secure assessment times where there was a direct link between the length of the assessment and the difficulty of the assessment (for example, languages speaking assessments), which does not apply to EDSQs.

We might also regulate to secure assessments times where there were clear drivers to compete on assessment time, for example where qualifications contribute to school and college accountability measures.

We have no evidence from our risk assessment of existing Entry level and Level 1 ICT or digital qualifications to suggest that this competition on assessment time takes place.

We have therefore decided that we should implement our proposal and will not introduce requirements regarding assessment times. We will require awarding organisations to explain and justify their approach in their assessment strategies.

Assessment availability

What we proposed

We proposed that we should **not** place restrictions around availability of assessments as this would limit flexibility and make it more difficult for awarding organisations to deliver qualifications in ways which would meet the needs of the learner groups likely to take these qualifications.

We would allow instead awarding organisations offering the qualifications to take different approaches to assessment availability, including:

- set days when assessments are available
- set periods when assessments are available
- on-demand availability

We also proposed to require awarding organisations to explain their approach to assessment availability and how they would address issues of comparability, predictability and security of assessments arising from their approach. Where an awarding organisation has several assessments available on-demand, we would expect them to be of the same level of demand. We would also want this for assessments that are delivered in different ways, for example, online, on-screen, paper-based or a combination.

As with assessment times, this explanation would be included in awarding organisations' assessment strategies as set out in our draft *Condition BDSQ3 Assessment strategies* and our draft Assessment Strategy requirements.

Responses received

The overwhelming majority of respondents agreed with our proposal not to set requirements about assessment availability, as this flexibility would enable awarding organisations to meet the needs of users.

Our decision

We have decided that we should implement our proposal and will not introduce requirements regarding assessment availability, because this flexibility is important in the delivery of this type of qualification to adults.

We will, as proposed, require awarding organisations to explain and justify their approach in their assessment strategies.

We know that a flexible approach to assessment availability does create challenges for comparability, predictability and security of assessments, in particular where assessments are available on-demand.

We have therefore included new guidance on assessment availability and new guidance on the explanation awarding organisations must include in their assessment strategies, in the EDSQ Conditions. This guidance has drawn on learning from the technical evaluation process for the Functional Skills Qualifications in English and maths.

Number of assessments

What we proposed

We proposed that we should **not** set requirements around the number of assessments within individual qualifications.

As before, we proposed that we would 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

Again, we proposed that this explanation would be included in awarding organisations' assessment strategies as set out in draft *Condition BDSQ3 Assessment strategies* and our draft assessment strategy requirements.

Responses received

The majority of respondents agreed with our proposal not to set requirements about the number of assessments, as this flexibility would enable awarding organisations to design qualifications which meet the needs of different learners.

We also had some feedback that suggested we should set a range or set a maximum of three assessments to support comparability or ensure that assessments were manageable and would not disrupt teaching and learning.

Our decision

We have decided that we should implement our proposal and will not introduce requirements around the number of assessments within qualifications, as this would restrict the awarding organisations' flexibility to design qualifications that meet the needs of the different groups of adult learners likely to take these qualifications.

We will, as proposed, require awarding organisations to explain and justify their approach in their assessment strategies.

Approach to assessment

What we proposed

We proposed that we should require a compensatory approach to assessment within the qualifications; that is where strengths and weaknesses in performance are permitted to balance each other and learners' results are based on their overall performance across the skills standards.

We also proposed that we should require assessments at both levels to use mark-based approaches to assessment, including to separate the allocation of marks from decisions about grading.

This was set out in the Assessment structure section of our draft Assessment requirements, related to draft *Condition BDSQ7.1 Assessment*.

Responses received

Views were divided on whether we should require a compensatory approach. Concerns raised included:

- a qualification with Pass/Fail grading cannot be compensatory

- compensation which allowed learners to fail a whole skill area would not be appropriate

- the parameters within which compensation is permitted to take place should be clarified

- compensation might be appropriate within but not across assessments

Views were also divided on whether we should require a mark-based approach. Concerns about requiring a mark-based approach included:

- the use of mark-based approaches can make standardisation more difficult and these qualifications don't warrant a complex marking approach

- the use of marks is not appropriate for practical assessments

- marks are only necessary where performance is going to be differentiated beyond Pass/Fail

- awarding organisations should have the flexibility to combine mark-based approaches and judgements against criteria, as appropriate to the task or assessment

Our decision

We continue to believe that to require learners to pass every assessment in a qualification would introduce potentially unfair 'hurdles' into the assessment.

We do not intend to provide guidance on the parameters within which compensation should take place. The flexibility permitted in qualification design and coverage of the skills statements means that it would not be possible to set parameters which applied to all qualifications, and it is properly the responsibility of the awarding organisation to determine the appropriate approach for their qualification.

Mark-based approaches are used in practical assessments in other qualifications, and it is not necessarily the case that it is harder to standardise assessor judgements based on marks than it is to standardise assessor judgments made against performance criteria.

Crucially, the use of marks gives awarding organisations greater ability to standardise and adjust 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. This is particularly important in new qualifications.

We have decided therefore to implement our proposal and to require a compensatory approach to assessment and the use of mark-based approaches within EDSQs.

Setting assessments

What we proposed

We proposed that we should require awarding organisations to set all assessments to secure user confidence in the qualifications.

This was set out in our draft Assessment requirements, related to draft *Condition BDSQ7.1 Assessment.*

Responses received

The majority of respondents agreed with our proposal to require awarding organisations to set assessments at both qualification levels, as this would support consistent coverage of national standards, ensure that assessments are of an appropriate standard, and maintain standards across centres and over time.

Those who disagreed felt that assessments set by the awarding organisation should not be the only option and that assessments should be portfolio-based or centre-set.

Our decision

Our proposed approach does not restrict the form that the assessment must take. Awarding organisations can therefore choose the form of assessment but must ensure that, whatever the form, controls are in place to manage the issues that might arise from such an assessment, such as authenticity, predictability and the potential for malpractice.

We have therefore decided for the reasons set out in our consultation to implement our proposal to require awarding organisations to set all EDSQ assessments.

Adapting assessments

What we proposed

We proposed that we should allow, but not require, Entry level assessments to be adapted by permitting centres to contextualise assessments. We would only permit adaptation which did not change the nature of the skills being assessed, the demand of the task, or the level of the assessment. We would 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.

We felt that an unfamiliar context could cause particular difficulty for Entry level learners, who would be demonstrating more basic digital skills.

We did however expect learners taking Level 1 qualifications to be able to respond effectively to a range of tasks in less familiar contexts, as these qualifications are preparing them for life, employment and further study.

This proposal was set out in our draft Assessment requirements, related to draft *Condition BDSQ7.1 Assessment*.

Responses received

The majority of respondents agreed with our proposal to permit the adaptation of assessments at Entry level, because it would make the learning more relevant to the users of the qualifications.

Some awarding organisations were not in favour of adaptation, pointing out the resource implications of monitoring centre adaptations of their assessments.

One respondent suggested that we should also permit adaptation at Level 1.

Our decision

We have decided to allow but not require awarding organisations to allow adaptation at Entry level only.

This requirement permits awarding organisations to allow adaptation at Entry level, but does not require it, and therefore imposes no additional regulatory burden on those awarding organisations who decide not to permit adaptation.

We continue to think that it is appropriate to expect Level 1 learners to be able to apply their knowledge in unfamiliar contexts and will not permit adaptation at Level 1.

Marking assessments

What we proposed

At Entry level, we proposed that assessments could be marked by the awarding organisation, or by centres or by a combination of the two.

We took the view that the Level 1 qualifications were more likely to be used to support progression to employment or further study and that there should therefore be a higher level of awarding organisation control over these assessments.

We therefore proposed that we require Level 1 assessments to be marked by the awarding organisation but that we allow Entry level assessments to be centre marked, to be marked by the awarding organisation, or through a combination.

This was set out in our draft assessment requirements, related to draft *Condition BDSQ7.1 Assessment*.

Responses received

All respondents agreed with our proposed approach to marking for Entry level EDSQs.

However, our proposal to require awarding organisation marking of Level 1 assessments was the area of strongest disagreement in the consultation. Concerns included:

- we were overstating the likelihood that these qualifications would be used at Level 1 as an entry requirement for progression to employment or further study, and so this level of control by the awarding organisation was disproportionate

- centre marked assessments can be subject to tight controls, and that requiring awarding organisation marking would place a higher regulatory burden than was necessary for these qualifications

- the requirement for external marking could lead to the development of less valid forms of assessment, with a potentially negative impact on learners

- this requirement would place a burden on awarding organisations, in terms of both cost and resource

Our decision

Given the responses received and the DfE's qualification purpose for EDSQs, we have looked again at our proposals.

The qualification types which we generally expect to have the highest level of awarding organisation control are those which feature in school and college accountability measures. EDSQs will be based on a national standard and be publicly funded through a legal entitlement but will not feature in school and college accountability measures, apart from qualification achievement rates.

In addition, DfE have indicated in their consultation response that they envisage the forthcoming Digital Functional Skills qualifications, as being the qualifications which are more likely to be used to support progression into employment.[5]

The risks that attach to EDSQs are therefore lower than we had previously considered, and we have therefore decided to move away from requiring the Level 1 qualifications to be marked by awarding organisations.

Instead, awarding organisations will be required to explain and justify their approach in their assessment strategies. In addition, they would need to take account of any guidance or requirements which might result from our current consultation on 'Moderation and

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[5] https://www.gov.uk/government/consultations/improving-adult-basic-digital-skills

verification of centre assessment judgements'[6], which relates to the controls which must be in place where centres mark assessments.

We have revised our requirements to reflect this change and will permit marking by the awarding organisation, or marking by centres, or a combination of the two, at both qualification levels.

Grading and awarding

What we proposed

We proposed that we should require a single grading approach across the qualifications and that, if there was a single grading approach, a Pass/Fail grading model should be used.

We considered that this would make the qualifications easy to recognise and that users would better understand what a result indicated, providing a clear indication that learners have demonstrated the skills set out in the national standard. This was set out in draft *Condition BDSQ4 Levels and Titling, BDSQ4.1.*

We also proposed that the Entry level qualification should be awarded at the highest sub-level, Entry level 3. The only qualifications which would be available would be Entry level 3 and Level 1, and qualifications would therefore only be awarded at these levels. This was set out in the draft requirements in relation to the specified levels of attainment to be used for these qualifications, related to draft *Condition BDSQ8.1 Standard setting*.

We also proposed to dis-apply General Condition E9, which relates to the assignment of levels to a qualification, because of this bespoke condition.

Responses received

The majority of respondents agreed that we should require a single grading approach, and that it should be Pass/Fail, agreeing that this would ensure that users of the qualifications understood the outcomes, regardless of the awarding organisation.

The majority of respondents also agreed with our proposed approach to awarding the Level 1 qualification. However, there were differing views on how the Entry level qualification should be awarded. Although the majority of respondents agreed with our proposal to award the Entry level qualification at Entry level 3, some disagreed, one strongly, because this meant that there would be no qualification for learners working at lower Entry levels.

The majority of respondents agreed that we should dis-apply General Condition E9 because we were planning to introduce a bespoke Condition.

Our decision

We have decided to implement the single Pass/Fail grading approach that we consulted upon.

DfE have decided to retain a single Entry level national standard because they do not think that it is possible to define coherent standards at each of the three Entry sub-levels. Given these unchanged curriculum intentions, we have decided to implement our proposal to require that the qualifications are awarded at Entry level 3 and Level 1 only.

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[6] https://www.gov.uk/government/consultations/moderation-and-verification-of-centre-assessment-judgements

We have also decided to dis-apply General Condition E9 because we are introducing a bespoke Condition.

Setting and maintaining standards

What we proposed

We did not propose to set a single technical approach to standard setting for these qualifications. Instead, we proposed that we would require awarding organisations to explain to us the approach they intended to take to standard setting and the maintenance of standards over time within their qualifications.

We did however propose to set certain expectations around the evidence which awarding organisations must use. This would include both quantitative evidence (for example, previous pass marks) and qualitative evidence (for example, assessor judgement). We would also expect a full explanation of the technical methods used.

This was set out in draft *Condition BDSQ8 Standard setting* and the accompanying Guidance on standard setting.

Responses received

The majority of respondents were in favour of our proposed approach to standard setting, agreeing that we should not set a single technical approach but should require awarding organisations to explain their approach in their assessment strategies.

The respondents who disagreed did so because they felt that our requirements were disproportionate or did not include employers in the setting of the standard.

We also received feedback from awarding organisations that our requirements could only be met with a mark-based approach to assessment, or through an examination.

Our decision

We are not proposing a single approach to standard setting and awarding organisations will be able to select the approach which is appropriate for their qualifications, including any employer involvement.

We think it is appropriate for us to set certain expectations, around the evidence which awarding organisations must use.

We have therefore decided to implement our approach as consulted upon.

Titling

What we proposed

We proposed to secure a standard titling convention for these qualifications through both our General Conditions and by introducing a requirement that the qualifications use DfE's Beginner and Essential descriptors in their title as relevant. This was set out in draft *Condition BDSQ4 Levels and Titling*.

Responses received

The majority of respondents agreed with our proposal that there should be standard titling for these qualifications.

However, many respondents to both our and the DfE's consultations raised concern with the use of the terms 'Beginner' and 'Essential'. It was felt that these additional descriptors were

unnecessary, potentially confusing to users, and that adult learners may not want them included in their certification title because of their negative connotations.

Our decision

As noted earlier, DfE have changed the overall title of the national standards, moving from 'Basic Digital Skills' to 'Essential Digital Skills' standards. They have also removed 'Beginner' and 'Essential' from the titling of the national standards.

We have therefore decided to change the qualification type and title to reflect the new titling of the national standards and have re-drafted our Conditions accordingly. Additionally we have decided not to implement draft Condition 4.2, which required the use of 'Beginner' and 'Essential' in the qualification titles.

Guided learning hours and Total Qualification Time

What we proposed

In their consultation on the national standards, DfE proposed to set a specific expectation, around the number of Guided Learning Hours (GLH) for these qualifications, of 45 hours.

We therefore proposed to dis-apply General Condition E7 (TQT) and to introduce a bespoke Total Qualification Time (TQT) Condition that took this into account. This was set out in draft *Condition BDSQ6 Total Qualification Time*.

Responses received

The majority of respondents agreed that we should dis-apply General Condition E7 and should instead introduce a bespoke Condition to reflect DfE's proposed minimum GLH for these qualifications.

Our decision

The DfE have decided that EDSQs should be designed to be between 30 to 50 GLH.

We have therefore decided to revise our final Conditions so that they match the DfE's new position on the GLH value for these qualifications, and to permit awarding organisations to select the appropriate number of hours of guided learning from the range set by DfE for their qualifications.

Disapplication of certain General Conditions of Recognition

What we proposed

In draft *Condition BDSQ2 Disapplication of certain General Conditions of Recognition*, we proposed 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 did not think it was necessary to require awarding organisations to produce evidence of support for their new qualifications.

- **Condition E7** – this Condition relates to TQT and GLH. We proposed to disapply the General Condition as it would 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 proposed that the qualifications should be awarded only at Entry level 3 and Level 1. We proposed to prevent these qualifications from being awarded at any other level. Given this approach, we thought that it was unnecessary for awarding organisations to assign a particular level to a qualification and so proposed to dis-apply this General Condition.

Responses received

The majority of respondents agreed that we should dis-apply these General Conditions, as they felt it would be problematic if they remained in place. No material concerns or objections were raised to the disapplication of these Conditions.

Our decision

We have decided to dis-apply General Condition E7 and E9.

However, we have decided that we will not dis-apply General Conditions E1.3 to E1.5. While respondents did not raise a concern with this proposal, a potential consequence of there being greater flexibility in compliance with the national standards alongside the flexibility being permitted in relation to qualification design generally, is that there could be a proliferation of EDSQ qualifications, targeted at different parts of the market.

We believe that not dis-applying General Conditions E1.3 to E1.5 will ensure that awarding organisations only develop tailored qualifications where they can demonstrate support for them. It will not restrict awarding organisations' ability to innovate or respond to the needs of particular learner groups but will discourage the development of different qualifications where there was no evidence of need.

We have revised our Conditions to reflect this decision.

Assuring the approach to assessment

Assessment strategies

What we proposed

We proposed to set rules which require awarding organisations to:

- establish and maintain an assessment strategy for each qualification they offer

- ensure their assessment strategy sets out how they will comply, on an ongoing basis, with all of the rules that apply to these qualifications

- design, set, deliver and mark all assessments for these qualifications 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

We also proposed to set rules for the assessment strategy documents. We proposed 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 the approach taken to ensuring decisions in relation to standard setting follow an appropriate technical methodology, the approach to ensuring decisions about standard setting are based on an appropriate range of evidence, and the approach to ensuring decisions in relation to standard setting promote comparability

This was set out in draft *Condition BDSQ3 Assessment strategies* and the accompanying Assessment strategy requirements.

Responses received

The majority of respondents agreed with our proposal to require awarding organisations to produce and comply with an assessment strategy for each qualification, and with our proposed rules for assessment strategy documents.

They also offered suggestions on how the process should be implemented and requested further guidance on our expectations.

Our decision

We have decided to implement our approach to assessment strategies as proposed.

We have reviewed our requirements for assessment strategies and have made some minor changes, including adding guidance on the explanation awarding organisations must provide where they are offering assessments on demand.

Technical evaluation

What we proposed

We proposed to put in place rules which would 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

This was set out in draft *Condition BDSQ5 Technical Evaluation*.

Responses received

The majority of respondents agreed with our proposals around technical evaluation.

A small number of respondents argued that a technical evaluation process, and in particular the potential review of sample assessment materials, would be disproportionate regulation for this type of low risk qualification, particularly if repeated every time the standards were revised.

Respondents also requested further information on timescales and processes.

Our decision

We think it is important that we have the scope to review the approaches 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, and to ensure that quality is built in upfront.

We think that this may be particularly important for EDSQs where our ongoing regulation is likely to be lighter touch than it is for higher risk vocational and technical qualifications.

We think that in order to have assurance that an awarding organisation can develop valid and fit for purpose assessments, it is likely that our technical evaluation process will include the review of assessment strategies and sample assessment materials.

We have therefore decided to implement our proposal to require awarding organisations to comply with our technical evaluation requirements and will provide further details on the process in due course.

When the national standards are revised, the approach we will take to technical evaluation will be proportionate and will take account of the extent of any changes.

Feedback on the draft Conditions, requirements and Guidance

Respondents largely did not comment on the draft Conditions, requirements and Guidance.

Where respondents did provide feedback, they suggested changes to the drafting which changed the policy intention in line with their overall feedback to the consultation.

We received one comment which said that the clarity of the drafting overall could be improved.

We have reviewed the clarity of our drafting as we have finalised our requirements. As noted earlier, we have introduced additional guidance on compliance with the national standards, assessment availability, and assessment strategies.

Implementation timescales

The DfE's intention is that these qualifications are available for first teaching from September 2020.

We will work with awarding organisations to develop the process for technical evaluation in line with this timescale.

Equalities impact assessment

Ofqual is a public body, the public sector equality duty in the Equality Act 2010 applies to us.

In our consultation, we recognised that the approach we took to unitisation might have implications for the types of learners likely to take these qualifications. We noted that some learners, in particular those with certain learning difficulties or disabilities, might have difficulty accessing a full qualification, and that building up a qualification unit-by-unit may enable those learners to participate in learning. We asked respondents what the likely impacts (positive and negative) were, of us permitting or prohibiting unitisation, on learners who share a particular protected characteristic [7].

We did not identify any other equalities impacts which related to our proposals. We asked respondents to comment on the issues we had identified, and whether there were any other potential impacts (positive or negative) on learners who share protected characteristics, and if there were any additional steps we could take to mitigate any negative impact resulting from our proposals on learners who share a protected characteristic.

Neither respondents nor the stakeholders we spoke to identified any impacts of our proposals on persons who share the protected characteristics of racial group, sex or sexual orientation, gender reassignment, religion or belief, pregnancy or maternity.

For the remaining protected characteristics, we set out all of the impacts (both positive and negative) we have identified, as well as the ways we will mitigate any negative impacts.

Responses received

The issues raised by respondents in the main related to our proposed approach to unitisation and the proposal to award the Entry level qualification only at the highest sub-level, Entry level 3.

Respondents identified that unitisation would:

- widen participation generally
- provide flexibility to learners who cannot undertake all the learning at one time (perhaps due to medical issues)
- make resits less burdensome
- allow those learners who may find a whole qualification overwhelming, to focus on one unit at a time
- allow achievement to be gained in 'small steps', which might be of particular benefit to adult learners who may have not engaged with learning for a number of years
- allow more time for the absorption and application of knowledge and skills.
- allow awarding organisations to tailor offerings to learners, enabling them to develop only the skills/knowledge necessary

A small number of respondents identified risks with unitisation, stating that unitisation could break apart the assessment of related skills, or increase the number of assessments, both of which would be detrimental to learners. One organisation also felt that any negative impacts arising from a decision not to permit unitisation could be overcome through careful and considered qualification design.

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[7] 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.

With regard to awarding the Entry level qualification at Entry level 3 only, respondents stated that learners with little to no basic digital skills may disengage from learning because it would take them a long time to reach the required standard, if the qualification was not awarded at Entry level 1 and Entry level 2. One respondent also stated that the literacy levels required for an Entry level 3 qualification may be too high for learners working at a lower level.

Additional equalities considerations raised by respondents were that:

- contextualisation and centre marking should be considered for both levels

- there is a potential impact 'for those learners who use assistive technology or software' (this was not elaborated upon further)

- accessibility and support from tutors should be allowed

- the use of simulated practical tasks to assess the qualifications would allow learners to use the assistive technology already available on their machines (though it was noted that simulated examination environments would require additional development costs)

- learners with disabilities should be able to learn and be assessed in their usual way of working (including using specialist software and human assistants)

- exemptions could be granted to make the qualification more accessible

Some respondents felt that the national standards could be more inclusive.

Our decision

As explained earlier, we have decided to remain silent on the issue of unitisation. This means that awarding organisations can choose how to structure their qualifications to meet the needs of the different types of learners likely to take these qualifications.

As explained earlier, we have decided not to change our position on the level of award for the Entry level qualification. The final version of the national standard does not differentiate between the three Entry sub-levels. This is because DfE don't consider that it is possible to define coherent standards at the three Entry sub-levels and that a single Entry level standard would better support skills development. Essential Digital Skills qualifications will be developed against the national standards, and we have therefore decided that these qualifications should only be awarded at Entry level 3 and Level 1. While this may give rise to an impact on learners with certain disabilities, this decision stems from the curriculum. This decision does not prevent the course of study from being delivered in a way that meets the needs of learners with particular disabilities.

We have decided not to implement our proposal to require that Level 1 qualifications are marked by the awarding organisations, which will address the concerns raised by some respondents around the impacts this could have on learners with certain protected characteristics.

We continue to think that it is appropriate to take a different approach between Entry level and Level 1 to the adaptation of assessments. We will permit the adaptation assessments at Entry level only. We think that adaptation is of greater importance for learners on the Entry level courses who are demonstrating more basic skills, and for whom an unfamiliar context could cause particular difficulties. This will be of benefit to learners with certain learning disabilities. However, the Level 1 qualifications are intended to prepare learners for employment and further study, and given this purpose, the expectation is that they should be able to respond effectively to a range of tasks without the need for adaptation.

We note respondents' comments on the types of reasonable adjustments that might be appropriate for learners taking these qualifications. However, we don't believe that any additional requirements for reasonable adjustments are necessary for EDSQs beyond those already in place for all qualifications through the General Conditions. Awarding organisations already must develop their qualifications in line with equalities law and make reasonable adjustments available to learners with disabilities, tailored to their individual needs.

The responses which relate to the content of the national standards are beyond the scope of this consultation.

Regulatory impact assessment

In our consultation we recognised that some of our proposals may have a regulatory impact. We asked respondents to comment particularly on the costs, savings or other benefits associated with our proposals for:

- setting, marking and adapting assessments

- assessment strategies and technical evaluation

We also asked if there were any regulatory impacts that we had not identified arising from our proposals, and if so, what those impacts were and if there were any additional steps we could take to minimise the regulatory impact of our proposals.

We asked awarding organisations to provide estimated figures where possible and if there was any additional information we should consider when evaluating the costs and benefits of our proposals.

We also asked for views on whether there was anything in our proposals that would prevent innovation by awarding organisations offering these qualifications.

Responses received

Requiring awarding organisation marking of Level 1 qualifications was identified as the most significant regulatory impact throughout the consultation responses.

Additional regulatory impacts identified by respondents were as follows:

- there are additional costs in producing enough assessments in order to reduce predictability; this is especially burdensome where assessments are externally set and on-demand

- updating assessment materials every three years, in line with revision to the standards, would be costly

- there are additional resource costs, for example paying assessors, standardisation, training centres, and monitoring assessors and centres

- unitisation would result in higher costs, as it would require a greater number of assessments to be created (together with supporting materials, assessors, cost of delivery etc.)

- developing on-screen simulated environments could be prohibitively expensive

- extending scope of recognition is a 'significant burden' for awarding organisations

Some respondents noted that, without having finalised rules or the details of the potential market, it was difficult to provide detailed information to quantify the impact.

One awarding organisation provided estimated costs of at least £75,000, which related to the introduction of external marking and mark-based approaches. Additionally, one awarding organisation provided estimated costs in the region of £6,100 per qualification for the development of an assessment strategy, sample assessment materials and the technical evaluation process.

When considering the question on innovation, respondents commented that innovation would be constrained by restricting the assessment to externally set and marked examinations or tasks. One organisation noted that short development timescales, combined with the proposal to review the content every three years, would also prohibit innovation.

Our decision

Our regulatory approach gives awarding organisations flexibility in terms of how they design and deliver these qualifications. The impact on awarding organisations is therefore likely to vary depending on the individual approaches that awarding organisations take to the design and delivery of EDSQs, and the extent to which it differs from their current practice.

As discussed earlier, we intend to remove our requirement for awarding organisations to mark Level 1 assessments, which was the identified as the most significant regulatory impact. Awarding organisations can therefore choose their approach to marking assessments at both qualification levels, which allows them to mitigate the cost impact of delivering these qualifications.

We recognise that awarding organisations will incur some costs through our requirements to develop assessment strategies and participate in the technical evaluation process. We think that many awarding organisations would in any case have developed sample assessment materials for centres, and that consideration of these materials as part of the technical evaluation process will not represent an additional cost for awarding organisations. We received limited information from awarding organisations around the costs of these proposals which makes it difficult to estimate their impact. We consider however that any burden imposed through the introduction of the technical evaluation process is necessary. It is important that we review the qualifications and determine whether the approach an awarding organisation takes is likely to produce qualifications that are fit for purpose, meet our rules and ministerial objectives.

Some of the potential impacts identified by respondents arise from compliance with our General Conditions rather than being a consequence of our decisions regarding EDSQs. For example, the costs associated with the need to reduce predictability in assessments, to develop mark schemes (whether mark-based or criterion-based), or to monitor examiners or assessors and centres, are those which will be incurred in the design and delivery of any regulated qualification.

Respondents identified that DfE's intention to review the national standards every three years as giving rise to a regulatory impact. The decision about when such a review occurs will be for DfE, rather than Ofqual. Our General Conditions oblige awarding organisations to keep their qualifications under review. As the digital sector is likely to change rapidly, a regular review of the national standards is to be expected. This will not necessarily lead to widespread change to the content of EDSQs, but it is important that qualifications are kept up to date. In any case, the impacts here do not arise directly from our proposals for EDSQs.

Other impacts such as the costs associated with unitisation or the development of on-screen assessments do not arise from our rules but would arise from decisions made by awarding organisations about the design and delivery of EDSQs.

We are introducing EDSQs as a new qualification type and so awarding organisations, who decide to offer these new qualifications will need to extend their scope of recognition to include them. We believe that the approach we have put in place is proportionate and will not pose a significant burden on awarding organisations who we already recognise and who offer similar qualifications. Organisations who aren't currently recognised will need to go through a full recognition process.