

**CORPORATE REPORT**

# External Quality Assurance of Apprenticeship End Point Assessments, 2018-2019

Report to the Institute for Apprenticeships and  
Technical Education

**ofqual**

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# Foreword

This report is Ofqual's first annual report on our external quality assurance (EQA) of apprenticeship standards and encompasses intelligence and evidence from all our EQA activity to date.

For the last 3 years we have been 1 of 4 options that employers can choose to provide EQA for apprenticeship end-point assessments (EPAs). Since the beginning of our involvement in new apprenticeship standards, we have consistently seen a commitment from employers and professional organisations to assessments that are effective tests and indicators of the proficiency of apprentices. There is an appreciation that valid EPAs are a means to securing the future of their workforces. What has been evident throughout is that employers and their representatives know their sectors and know what 'good' looks like. Where they have chosen Ofqual to provide EQA, they have recognised that together we can strengthen their future workforce.

We are pleased to have met with an increasing number of end-point assessment organisations (EPAOs) who are seeking Ofqual recognition. We have welcomed new EPAOs into the regulated community, alongside established awarding organisations expanding their offer to include EPAs. It is in no-one's interest to allow organisations to deliver EPAs without confidence in their capacity and capability to consistently develop, deliver and award EPAs. Whether new or established, we have the same high expectations of all EPAOs. That is why our bar is high. Our rules make clear our expectations and why our approach is flexible. We appreciate that the EPAO market consists of an increasing variety of organisations with different backgrounds and expertise. The commitment from each part of this still maturing market is evident. Their efforts to respond to new customers and new requirements, and the challenges of new market behaviours must be acknowledged.

We approach our EQA of EPAs with the same rigour and focus as other qualifications that we regulate, drawing on all of our regulatory tools to do so. Regulation is about supporting the right behaviours. We target our activities where they are most needed to influence those behaviours: evaluating risks, gathering intelligence from employers and professional organisations and analysing evidence to determine where we should focus our attention. This means the nature of our activities does vary over time, across EPAOs and EPAs; but it also means that when and where we need to act, we do – and that action is protecting the interests of apprentices.

EPAs are now live and established in the market and are being taken by apprentices. New assessment plans are being developed and existing versions subject to revisions. We are looking now to take the learnings from this first phase of EQA to further ensure that EPAs are well designed, threats to validity are minimised, and risks to safe delivery are anticipated and mitigated.

## About this report

Whilst formally a report covering the period April 2018 – April 2019, this is our first report to the Institute for Apprenticeships and Technical Education's ( the Institute) Quality Assurance Committee and therefore additional background and supporting information is included to cover all activity from 2016, when our involvement in EQA commenced. This has been included to provide a full picture of our current EQA understanding.

'Annex A: EQA process' provides a brief outline of our EQA approach to assist with terminology used throughout the report. Our full approach, as originally presented to the Committee in July 2018<sup>1</sup>, can be found on our website<sup>2</sup>.

Information is provided both by apprenticeship standard and by the EPAOs who fall within our regulatory purview where we are the EQA provider.

This report was presented to Institute's Quality Assurance Committee 14 May 2019. That committee was provided with detailed information and data on our EQA activity by standard which has not been included in the publication of this report due to the commercial sensitivity of the data included. Where there were references to this data or names of EPAOs where we have taken and resolved actions, we have deleted or redacted these elements from this report.

This report reflects the position as at 10 May 2019, and all data was accurate at this date.

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[https://www.instituteforapprenticeships.org/media/2460/minutes\\_from\\_quality\\_assurance\\_committee\\_18\\_july\\_2018\\_redacted.pdf](https://www.instituteforapprenticeships.org/media/2460/minutes_from_quality_assurance_committee_18_july_2018_redacted.pdf)

<sup>2</sup> <https://www.gov.uk/government/collections/apprenticeship-end-point-assessments>

# Executive summary

1. In line with our EQA approach we have
  - reviewed 118 assessment plans and accepted 62 as being capable of facilitating the delivery of valid assessments; it is these 62 where we have agreed to provide EQA
  - conducted 47 technical evaluations of assessment materials from 17 EPAOs, providing each organisation with feedback on how they can further develop their EPA materials so that they meet the requirements of the assessment plan and are in compliance with our General Conditions of Recognition<sup>3</sup> and the EPA Qualification Level Conditions and Requirements<sup>4</sup> (the Conditions); we have so far scoped a further 28 evaluations to be completed by the end of the calendar year
  - met with 27 organisations interested in seeking recognition by Ofqual for the delivery of EPAs; We have received 8 applications and recognised 3 organisations
  - undertaken audits of 15 organisations and are mitigating risks regarding assessor capacity and capability across 5 apprenticeship standards
  - received 3 self-identified event notifications from organisations regarding the delivery of EPAs
  - referred one case for enforcement where we have taken action
2. From our technical scrutiny of assessment plans, EPA materials, and the queries raised by EPAOs, it is evident that there are risks to comparability between EPAs developed and delivered by different organisations against specific standards. We note that often these risks are the result of assessment plan design, and they have materialised in different ways in different assessments and potentially present different levels of risk to different parts of the EPA process.
3. Where the development of assessment is non-compliant with the assessment plan, we have required EPAOs to change their approaches. This was the case for example with the Customer Service Practitioner EPA<sup>5</sup>. Within the bounds of compliance with assessment plans, such as the Customer Service Practitioner, there can also be differing interpretations and approaches by EPAOs. This can result in apprentices having different 'journeys' through the EPA itself. The Hair Professional assessment plan presents another and different example of variance where it could be said the journey for the apprentice through the EPA is more comparable as the methods are more prescriptive, however the means by which the outcome of the assessment is determined is less clear.

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<sup>3</sup> <https://www.gov.uk/guidance/ofqual-handbook>

<sup>4</sup> <https://www.gov.uk/government/publications/epa-qualification-level-conditions-and-requirements>

<sup>5</sup> See paragraph 55

4. Where assessment plan design allows for wide variances in approach to EPAs, there is a risk to the consistency of outcomes and therefore confidence of those employers and apprentices interpreting and using the grade of their EPA. We are putting a significant effort into this to ensure that EPAs are able to support consistent judgements of occupation competence.
5. Some assessment plans currently in use would benefit from strengthening. Technical evaluation of assessment materials, subsequent recommendations to EPAOs, queries received from EPAOs, and behaviours of EPAOs, are cumulatively indicative of the challenges EPAOs have in consistently interpreting some assessment plans. Whilst these plans are capable of facilitating valid assessment, review and further refinement would help to secure this in all cases.
6. The EPAO market, as aligned to the scope of our EQA, is still maturing. Some organisations who have applied to either the ESFA's Register of End-Point Assessment Organisations (RoEPAO), proposing to offer EPAs where Ofqual is the EQA provider, have not yet applied to Ofqual for recognition. Some that are already recognised by Ofqual have not yet either extended their scope of recognition or developed EPAs to the point where they are ready to put them on the Register of Regulated Qualifications (the Register). In some cases, this is because there may not yet be apprentices on programme; in other cases, there clearly are apprentices but there may also be many EPAOs and competition across the market or financial viability may be influencing rates of development and implementation by EPAOs.
7. We have also heard from EPAOs of their longer-term intentions for involvement in areas of the apprenticeship market. Our Conditions require EPAOs within our purview to manage their withdrawal from any qualifications appropriately and we will continue to monitor and intervene where necessary in cases of withdrawal or transition of EPA responsibilities to protect the interests of apprentices.
8. EPAs themselves have generated a shift in the awarding organisation landscape. Established awarding organisations are changing their business models to adapt to the demands of accountability placed on them by EPAs. They have established expertise in assessment design, development and delivery, and are considering how they expand their subject expertise to be able to deliver assessment plans and meet the needs of specific sectors and industries. A variety of new organisations are looking to meet the demands of EPAs. Some of these are very niche organisations with evident depth and expertise in their industry and sector who may also have track records in delivering some vocational qualifications. The breadth of assessment methodologies is however challenging for new assessment organisations. Our requirement for the purposes of recognition that organisations are able to demonstrate their capability and capacity to develop all the relevant required types of assessment as specified in the assessment plan is presenting some issues for some such niche organisations.

9. We will continue to consider every angle from which to judge organisational competence in this area in order that organisations are given every opportunity to demonstrate their expertise. Some organisations find the broader range of assessment methods, and the consequent quality assurance requirements challenging. Observational and portfolio assessment has been the norm in the vocational sector for many years; the introduction of knowledge tests and the associated requirements to produce and assure the quality of question banks and comparable on-line tests are requirements some organisations will find challenging to meet.
  
10. Our regulatory framework of General Conditions of Recognition and qualification-type specific Conditions have a wide influence over the quality of EPAs across the apprenticeship system. The requirement for awarding organisations to comply with our Conditions has led to a variety of actions being taken. This has ranged from issuing instructions to EPAOs to amend publicised material, to the changing of assessment tools, the more consistent application of assessment practices, issuing a direction to change assessor training and the enforcement of a monetary penalty appropriate to the failings identified in delivery. We are seeing the strengths of our Conditions being applied by awarding organisations whether or not the requirements are explicitly required by assessment plans and in circumstances where we are not the EQA provider. Therefore, while we continue to learn much from EPAs delivered by EPAOs, and in our consideration of new organisations entering the market, our conviction remains that our regulatory approach to EQA will continue to safeguard the delivery of assessments and the outcomes of EPA for both apprentices and their employers.

# EQA scope

## EQA by apprenticeship standard

11. Ofqual has accepted 62 standards for EQA to date (as at 10 May 2019). Up-to-date details of the standards where we have accepted a standard for EQA are available on our [website](#).

12. [Fig 1] details each of the 29 standards Ofqual has responsibility for, where those standards have EPAs placed on the Register of Regulated Qualifications<sup>6</sup> and our associated activities.

**+Fig 1. Standards with EPAs on the Ofqual Register of Regulated Qualifications (as at 10 May 2019)**

ID	Standard Title	Number of recognised organisations	Number of Potential EPAs	Number of EPAs on the Register	Number of EPAs in Technical Evaluation	Number of EPAs Audited
ST0223	Arborist	2	2	1	1	
ST0499	Autocare technician	3	3	1	1	
ST0067	Bus and coach engineering technician	1	1	1		1
ST0100	Conveyancing technician	1	1	1	1	1
ST0106	Creative Venue Technician	1	1	1		
ST0072	Customer service practitioner	18	20	14	13	12
ST0071	Customer service specialist	8	9	4	4	
ST0194	Fishmonger	2	2	1		
ST0224	Forest operative	2	2	2	2	
ST0209	Golf greenkeeper	1	2	1	1	
ST0213	Hair professional	3	3	5	5	
ST0215	Healthcare assistant practitioner	7	7	5	5	
ST0216	Healthcare support worker	8	8	7	6	7
ST0068	Heavy vehicle service and maintenance technician	2	2	2	2	
ST0225	Horticulture and landscape operative	2	2	2	2	
ST0242	Land-based service engineer	3	3	2	2	
ST0243	Land-based service engineering technician	3	3	3	3	
ST0563	Learning and development consultant/ business partner	3	3	1	1	
ST0562	Learning and development practitioner	3	3	1	1	
ST0148	Learning mentor	1	1	1	1	
ST0101	Licensed conveyancer	1	1	1		1

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

<b>ST0144</b>	Mineral Processing Mobile and Static Plant Operator	3	3	1	1	1
<b>ST0245</b>	Paralegal	1	1	1	1	
<b>ST0320</b>	Recruitment Consultant	3	4	3		
<b>ST0321</b>	Recruitment Resourcer	3	4	3		
<b>ST0322</b>	Refrigeration air conditioning and heat pump engineering technician	1	2	1		
<b>ST0217</b>	Senior healthcare support worker	9	9	13	5	
<b>ST0454</b>	Teaching assistant	2	3	2		
<b>ST0334</b>	Trade supplier	3	3	3	1	
<b>Total</b>		<b>100</b>	<b>29</b>	<b>84</b>	<b>59</b>	<b>23</b>

## EQA by end-point assessment organisation

13. [Fig 2] Provides abbreviated information for all organisations in scope for Ofqual's EQA activity

*Fig 2. Abbreviated table of Organisations in EQA scope (as at 10 May 2019)<sup>7</sup>*

Organisation name	Ofqual Status	Number of AO Scope Approvals	Number of EPAs on the Register	Number of EPAs Scoped for Evaluation	Number of Assessment Plan Queries	Number of lines of Audit Enquiries
<b>Active IQ</b>	Recognised	1	2	1		4
<b>BIIAB</b>	Recognised	3	3	1		4
<b>CIPD</b>	Recognised	2				
<b>City and Guilds</b>	Recognised	16	16	15	2	8
<b>DSW Consulting</b>	Recognised	1			1	
<b>ETC Awards Ltd</b>	Recognised					
<b>FDQ Ltd</b>	Recognised	1	1	1	1	
<b>Future (Awards and Qualifications) Ltd</b>	Recognised	3	3	3		
<b>Highfield Awarding Body for Compliance (HABC)</b>	Recognised	7	7	6	10	8
<b>iCQ</b>	Recognised	1	1	1		4
<b>Innovate Awarding Limited</b>	Recognised	7	5	4	7	8
<b>Lantra Awards Limited</b>	Recognised	8	1	2		

<sup>7</sup> Organisations that are not recognised are those that are listed on the ESFA's RoEPAO as intending to offer EPAs where we are the EQA provider as at the 10 May 2019.

<b>Manpower Services Ltd</b>	Recognised	2				
<b>MP Awards</b>	Recognised	1	1	1		4
<b>NCFE/CACHE</b>	Recognised	5	4	4	4	8
<b>NOCN</b>	Recognised	4	1			8
<b>Occupational Awards Limited</b>	Recognised	5	4	3		4
<b>Pearson Education Limited</b>	Recognised	4	9	9	5	8
<b>Phillip Brain Associates Limited (EMPI Awards)</b>	Recognised	1				
<b>Recruitment and Employment Confederation (REC)</b>	Recognised	2	2	2		
<b>Scottish Qualifications Authority (SQA)</b>	Recognised	2	2	2	1	8
<b>SFJ Awards</b>	Recognised					
<b>Skillsfirst Assess</b>	Recognised	4	3	1	2	4
<b>The Chartered Institute of Legal Executives (CILEx)</b>	Recognised	1	1	1		
<b>The Institute of the Motor Industry</b>	Recognised	7	7	7	4	4
<b>Training Qualifications UK</b>	Recognised	9	9	9	3	8
<b>VTCT</b>	Recognised	3	2	2		
<b>Association of Professional Sales</b>	Not Recognised	0				
<b>BESA Training</b>	Not Recognised	0				
<b>Bespoke Professional Development and Training Limited</b>	Not Recognised	0				
<b>Coyne Recruitment</b>	Not Recognised	0				
<b>IETTL</b>	Not Recognised	0				
<b>Pedagogo</b>	Not Recognised	0				

QFI	Not Recognised	0				
Waste Management Industry Training & Advisory Board	Not Recognised	0				
		<b>100</b>	<b>84</b>	<b>75</b>	<b>40</b>	<b>92</b>

14. Of the 35 EPAOs, 21 have placed EPAs on Ofqual's Register, indicating they are delivering or are prepared to deliver EPAs.

15. There are 14 EPAOs that have not yet placed any EPAs on Ofqual's Register. 6 of these 14 are recognised by Ofqual; 5 have not yet been recognised but are included in the table above as they are on the ESFA's RoEPAO as interested in offering EPAs where Ofqual is the EQA provider. We have also had interest in further 3 organisations that are not yet on the ESFA's RoEPAO.

16. Of those organisations recognised with no live EPAs:

- a. CIPD has been recognised to deliver two standards in learning and development. They have not yet placed any EPAs on the Register however both of these standards have an 18-month duration and figures show there were no starts on these standards in the 2017 to 2018 academic year.
- b. Manpower Services Ltd and DSW Consulting have recently been recognised by Ofqual to deliver customer service EPAs, and although they also have not placed any EPAs on the Register, they are 2 of a number of EPAOs looking to deliver these standards.
- c. ETC Awards, and SFJ Awards have also indicated their intention to deliver customer service EPAs although they have not yet applied to extend their scopes of recognition.

17. Of those 7 organisations not currently recognised:

- a. Only 1 has not commenced their application process. There are other EPAOs delivering against the standards which they are seeking to deliver.
- b. The remaining 6 organisations have begun the process of recognition with Ofqual, and 3 of these 6 organisations are, at present, the only prospective EPAOs across four different standards.
- c. There is 1 EPAO applying to deliver to Thermal Insulation standards and we are working very closely to ensure their timely recognition for apprentices who are approaching their EPA gateway.

- d. QFI is the prospective sole provider for one of the Mineral Processing standards, although there have been no starts on this in the 2017 to 2018 academic year.
- e. The Association of Professional Sales is at present the prospective sole provider for Sales Executive, although there have also been no starts on this standard in the 2017 to 2018 academic year.

# EQA activity

## Recognition and readiness

18. When Ofqual is confirmed as the EQA provider for an apprenticeship standard, the ESFA will ensure that only EPAOs that are recognised by Ofqual can be approved to deliver EPAs for that standard.
19. In September 2018 we refreshed our recognition process, prefacing what had been a hands-off process with a meeting in advance of commencement of application. This enables us to explain the requirements of the recognition process and ongoing regulation to the interested party, as well as better understanding the specific needs of particular industries, the context and scale in which they are operating, and to answer any questions they may have at that stage. We also refreshed our application guidance materials<sup>8</sup> and we continue to release additional materials through our '[Ofqual explains](#)' channel.
20. Ofqual has had early engagement from 27 prospective awarding organisations since September 2018 seeking to deliver EPAs. 4 of these at the time of application had not been listed on the ESFA's Register of End Point Assessment Organisations and were seeking to gain recognition before applying.
21. The strength of our recognition process is evidenced by the numbers progressing through each stage, the weaknesses and challenges identified in the capacity and capability of unsuccessful applications, as well as successful applications. Those who have applied to us, tell us that what they do as part of their application stands them in good stead for their ongoing operations. Reasons organisations have not progressed past early engagement or have made unsuccessful applications, include:
  - realisation of the readiness that they would need to demonstrate and evidence at the point of application
  - lack of evidence of competence, particularly in one or more aspect of developing, delivering or awarding EPAs
  - lack of evidence of competence in the underpinning processes, such as assessment standardisation and internal quality assurance
  - financial grounds
22. We recognise that some EPAOs are different from those organisations that we already regulate, and that the implementation of our regulatory approach needs to

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<sup>8</sup> see <https://www.gov.uk/guidance/apply-to-have-your-qualifications-regulated>

be appropriate for each EPAO, whether niche or delivering a vast breadth of EPAs. But this flexibility does not mean we are lowering the quality bar for recognition.

23. Our recognition process provides for time-bound special conditions, where for example very niche organisations who have depth and experience in their sectors, but who might lack some of the technical assessment expertise required by some of the stipulations of assessment plans, can be considered. Our regulation in these instances safeguards both the provision of EPAs in such niche areas of the market and the standards that all organisations must meet in order to satisfy our Conditions.

24. Successful applicants, since September 2018, now regulated by Ofqual as EPAOs, are:

- a. Doran Scott Williams & Company Limited trading as DSW Consulting. Recognised in December 2018. The focus of DSW Consulting is cross-sectoral practices, and who have expanded to provide EPAs for more than 27 Standards across Banking, Insurance, Financial Services, Pensions, Credit, Investment, Management, Administration, Public Sector, Retail and Customer Service.
- b. Manpower Services Limited. Recognised in November 2018, Manpower Services limited currently offer EPAs across the service and supply chain industries, including retail apprenticeships at Levels 2, 3 and 4. They have achieved recognition from Ofqual to offer EPAs in Customer Service at Level 2 and Level 3, but have yet to release these onto the market.
- c. Philip Brain Associates Ltd trading as EMPI Awards. Recognised in March 2019, EMPI Awards are specialists in UK mineral extraction and processing, and the EPAO has been established to offer EPAs in this niche sector.

25. Our recognition process together with the Register provide us with 3 indications that give us assurance an EPAO is prepared to deliver an EPA. Firstly, that they are a recognised organisation, secondly that their scope of recognition encompasses the EPAs they are seeking to deliver, and thirdly that they have placed their EPAs on the Register. This data is provided in [Fig 2] above.

## Technical scrutiny

### *Assessment plans*

26. We review the trailblazer's draft assessment plan in parallel with the Institute's assessment team, providing advice and working with employers so that the plan can support the development of sufficiently valid end-point assessments. This means that the assessment plan can assess apprentices reliably and consistently, on the right things, at the right level, wherever and whenever they take the

assessment. Once this is confirmed, we can act as the external quality assurance provider.

27. This technical assurance means that any EPAO is provided with the optimum opportunity to design and deliver assessment materials that will work. Consequently, apprentices can undertake assessments that test the knowledge, skills and behaviours, send the right signals of competence and differentiate appropriately between learners.
28. We have now reviewed 118 assessment plans, and in November 2017 we published findings from 100 of them<sup>9</sup> so that employers developing assessment plans could learn from best practice.
29. Through this process it is evident that these employer groups know their professions and are committed to their future; they have expectations of their current and future workforces and what they need to know, be able to do and how they should work. However, assessment design is a technical and complex discipline. Some of the concepts it must address, such as reliability and consistency, are relatively simple to identify; but they can also be challenging to secure in practice.
30. Where we have scrutinised and accepted the assessment plan, the EPAO and the apprentice can be confident that there is the potential for the right knowledge, skills and behaviours to be tested effectively.

## *Technical evaluation*

31. When an EPAO identifies on our Register that its EPA materials for an apprenticeship standard are available to learners, these materials become subject to our request for technical evaluation. EPAOs are required, upon request, to submit to us all materials relating to that EPA including, for example, the guidance provided to assessors, mock or example assessments, question banks, and mark schemes. Technical evaluation is a critical process involving industry experts as well as our own assessment specialists, which enables us to review the materials against the assessment plan and our Conditions of Recognition.
32. To date we have undertaken evaluation of 47 EPA materials, from 17 EPAOs, across 15 standards; roughly two thirds of the EPAs on Ofqual's Register.
33. In our evaluations, we have identified issues which pose a risk to compliance with our Conditions. These tend to be linked with specific assessment materials, such as an EPAO not providing sufficient guidance to assessors to ensure consistent and accurate assessment of practical tasks. We have identified some deviation from the

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<sup>9</sup> See <https://www.gov.uk/government/publications/findings-from-ofquals-review-of-apprenticeship-assessment-plans>

requirements of an assessment plan. We have found however, that this usually occurs where the assessment plan itself has some ambiguity.

34. A findings report is produced for every EPA evaluated. This is provided to the EPAO and as a result, EPAOs may make improvements to how they approach aspects of the assessment. In some cases, an EPAO might provide a more detailed explanation of the approach they have taken and we can enter into a dialogue with the EPAO on whether there should indeed be a change, or if more data should be gathered to determine the best course of action.

### *Assessment plan queries (APQs)*

35. As EPAOs commence the development and delivery of assessment materials in line with the requirements of assessment plans, they are raising queries with us. These queries are often on clarity or interpretation as they seek to ensure they act in ways which are compliant with the assessment plan and our Conditions or regarding the practicalities of implementation.
36. To ensure that we consider such queries in a systematic, moderate and informed manner which minimises inconsistencies, we have established a group which considers these queries.
37. In our analysis of queries, we have grouped them into 3 broad categories. Although there are some which fall outside these categories, this gives us a starting point for considering how best to prioritise and respond to them.
- a. Category 1: Interpretation of the assessment plan - where the assessment plan is ambiguous and the EPAO has chosen to interpret something in the plan a certain way
  - b. Category 2: Operationalisation of the assessment plan - where the assessment plan is unambiguous, but in implementing the plan, the EPAO is proposing to supplement or add to the approach stipulated in the plan
  - c. Category 3: Deviation from the assessment plan - the plan is unambiguous, but the EPAO is proposing to deviate from the plan for some reason.
38. Particular areas within assessment plans that are frequently queried include: the mapping of knowledge, skills and behaviour elements to different assessment methods; clarity of assessment method parameters, and the interpretation of grade criteria.
39. Proposed deviations from the assessment plan are rare from an EPAO and may be raised for justifiable reasons. An EPAO may be aware of proposed changes to the plan or of a new version of the plan that they are pre-empting in their materials, or in dealing with an older plan they may propose an approach which is compliant with

current more recent policy changes. While Category 3 deviations from assessment plans are significant, they are usually relatively straightforward to deal with.

40. Category 1 and 2 queries will often require greater analysis of the assessment plan itself and a thorough understanding of the rationale behind the query before a resolution is discovered. Resolutions may also entail discussions with trailblazers, the Institute, and potentially lead to changes in the assessment plan, publication of a new version, and communications with all relevant EPAOs.

## Ongoing regulation - proactive

41. Our proactive regulation of EPAOs and their EPAs is targeted through an analysis of risk. This takes into account a range of entity, qualification and systemic risk factors, including but not limited to: whether they are new entrants to regulation; the lifecycle of an awarding organisation; evidence of market exit or entry activity and apprentice or employer feedback. Using this information, we form detailed risk analyses by organisation, by EPA and of systemic issues. Consideration of these enables us to identify and deploy the appropriate regulatory tool to enable us to proactively consider the risk in question.

## *Market risk*

42. As we continue to gather evidence and intelligence on the maturing EPA market, we are able to proactively intervene where the risk to the interests of apprentices is considered unacceptable.

- a. Under General Condition D7.2 awarding organisations recognised by Ofqual must take all reasonable steps to protect the interests of learners in relation to the qualifications that they are intending to withdraw. Furthermore, Condition D7.5 ensures that any withdrawal plan from an awarding organisation must comply with any requirements which Ofqual has communicated to it in writing.

43. We are currently in the process of exercising these conditions with an EPAO who has signalled their intention to withdraw their offer of EPAs where we believe there is an unacceptable risk to apprentices approaching their assessments. Our intention is to require the EPAO to maintain its offer of EPAs for the apprenticeship standards in question until alternative EPAO provision is established.

## *Audits*

44. Audits are used to gather and evaluate evidence of EPAOs' compliance with our Conditions. Undertaken by an internal expert team of trained auditors, audits are detailed consideration of documents and processes, involving desk-based analysis, site visits and meetings. The outcome of an audit is a determination of how assured we are that an EPAO is effectively managing specific risks to compliance. Audited EPAOs receive a feedback report, and where appropriate, thematic findings from

audits are shared with all awarding organisations so that they may learn from the good practice and matters we have identified.

45. Between September 2018 and February 2019, we completed audits with 15 EPAOs across 5 apprenticeship standards. The audits evaluated the controls these EPAOs have in place to ensure they:

- have sufficient resource to deliver EPAs
- recruit appropriately competent assessors who are able to make accurate and consistent EPA decisions
- put in place effective arrangements to ensure assessment criteria are understood by assessors and applied accurately
- avoid an EPA being administered by an assessor who has an interest in the result of the assessment

46. Overall, our findings were positive. We recognise the efforts made by EPAOs to ensure they have sufficient capacity of capable assessors to meet demand for EPAs. We also found areas of weaker performance where some EPAOs could make improvements.

47. Our audit revealed that accurately forecasting demand for EPAs is hard. There is no incentive for training providers to register apprentices with EPAOs early. Despite this, for most of the EPAOs we audited, we gained a high level of assurance that they were taking necessary steps to understand demand and ensure sufficient assessor resource was in place. All the EPAOs we audited used the requirements outlined in the relevant apprenticeship assessment plan as a starting point for determining whether prospective assessors were occupationally competent. Regardless of whether the assessment plan stipulated it, most EPAOs preferred to recruit qualified assessors. The strongest performing EPAOs tended to have a range of additional controls in place to ensure the competence of their assessors.

48. In some cases, assessor competence or experience requirements stipulated within assessment plans can make it difficult for EPAOs to find suitable assessors. EPAOs are using a range of methods to recruit assessors for apprenticeship standards, including for apprenticeship standards that have a limited supply of assessors, some innovative employer-partnership approaches. Most of the EPAOs we audited were initially taking a 'belt-and-braces' approach to quality assurance of EPA assessment decisions.

49. Due to the fact EPAs are a new product, EPAOs are typically conducting accompanied visits and 100 percent quality assurance checks on assessment decisions. While there are multiple conflicts of interest risks associated with EPAs, for most of the EPAOs we audited, we gained a high level of assurance that they were managing these risks well.

50. Our findings for one EPAO gave rise to some concerns regarding their use of subject experts. We provided feedback explaining our concerns and requested an action plan from the EPAO detailing how they will resolve these issues. This action plan has been received and we are currently reviewing this.
51. Following the initial audit outcome letter, we also had discussions with a further EPAO regarding matters of managing and using conflict of interest data and having signed contracts with its assessors. This has led to further discussions, which have satisfied us that the EPAO is sufficiently managing these risks.

## Ongoing regulation: reactive

52. Our reactive EQA activity is evidence based, informed by evidence provided by users (apprentices, employers, training providers), sector bodies, and by EPAOs themselves. Our early engagement with trailblazer groups and EPAOs seeking recognition is the first step of evidence gathering, and we remain in listening and gathering mode at all times. Reactive regulatory activity must be founded on evidence, not conjecture, and whilst we value all insights, we seek to build a body of evidence to inform how we act.

## *Stakeholder engagement and employer concerns*

53. Over the period of our EQA to date, we have received a number of queries and concerns from employers, employer groups or their representative bodies relating to EPAs.
54. In late 2017, an employer raised concerns regarding an EPA for the Level 2 Customer Services Practitioner. Following consideration of their concerns and supporting evidence, the matter was raised with the AO, who made changes to address the concerns and which we were satisfied addressed the matter.
55. We received an allegation about inappropriate bundling of qualifications by the Institute of Revenues, Rating and Valuation (IRRV) relating to the Level 4 Revenues and Welfare Benefits Practitioner apprenticeship. We sought clarification from IRRV on this matter and IRRV have subsequently amended the information on the website.
56. We received concerns from a trailblazer group regarding perceptions of inequalities and lack of comparability between EPAs on two standards offered by 3 EPAs. However, they were not able to evidence their concerns. These EPAs have recently become available to learners and are now being technically evaluated. If there is evidence which aligns to the concerns of the trailblazer group, we will determine an appropriate course of regulatory action to address these concerns.

## Event Notifications

57. One of our Conditions requires all recognised organisations, including EPAOs, to notify Ofqual of any event which could have an adverse effect:

An awarding organisation must promptly notify Ofqual when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect.<sup>10</sup>

58. Event notifications are a rich source of intelligence and evidence and are the means by which we promote improvements to quality through behavioural compliance and self-regulation by recognised organisations.

59. Over this period of EQA<sup>11</sup>, we have managed 3 event notifications regarding Apprenticeship standards. Two of these do not relate to EPAs where we are the EQA, they relate to the training provider 3AAA going into administration, and the steps taken by awarding organisations to protect the apprentices. The third concerned CILEx, see below.

## Enforcement

60. When an EPAO we regulate does something wrong, or has a problem that impacts EPAs, there are several different things we can do. These include, but are not limited to

- putting in place extra rules – known as special conditions - for that EPAO, or for some of its EPAs
- requiring the EPAO to do certain things, or to stop doing certain things
- fine the EPAO
- withdraw the EPAO's recognition - so it can no longer offer regulated EPAs

61. On 22 March 2019, CILEx formally admitted that it had failed to comply with its Conditions of Recognition with a series of delivery failings in the EPA of the Level 3 Paralegal Apprenticeship in June 2018. The failings occurred during both the timed assessment and interview components of the assessment and affected the entire cohort of 73 apprentices.

62. CILEx notified Ofqual at the time of the incident and engaged with us to discuss their approach to determining results and mitigate any adverse effects on apprentices. CILEx conducted its own investigation into the root cause of the delivery issues and has implemented a technical action plan of improvements to secure its future compliance with the Conditions.

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<sup>10</sup> <https://www.gov.uk/guidance/ofqual-handbook/section-b-the-awarding-organisation-and-ofqual>

<sup>11</sup> to 10<sup>th</sup> May 2019

63. On 18 April 2019, Ofqual formally issued CILEx with a notice explaining our intention to fine the organisation £50,000, unless by 30 September 2019, CILEx submits to Ofqual a statement of assurance confirming that:

- a. It has successfully implemented all the recommendations and actions set out in its Technical Action Plan.
- b. It has successfully delivered the Level 3 Paralegal EPA to the cohort of apprentices sitting the EPA in June 2019, in full compliance with the Conditions.

If the above is satisfied, the amount of the fine shall be reduced to a nominal sum of £1,000. In the event that representations are received from interested parties or another relevant intervening factor occurs, such other amount between £1,000 and £50,000 as the enforcement committee may consider appropriate.

64. Ofqual has taken this approach to enforcement action in order to prioritise a focus on future improvement and to reflect the unusual circumstances of this case, including that CILEx operated the EPA at a financial loss in 2018 and expects to continue to do so for the foreseeable future.

65. CILEx has agreed to pay a fine to Ofqual and to submit a statement of assurance in the terms specified above.

66. We published notice of this enforcement action<sup>12</sup> on 24th April 2019.

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<sup>12</sup> See <https://www.gov.uk/government/publications/notice-of-intention-to-impose-a-monetary-penalty-cilex>

# Annex A: EQA process

1. Our EQA process has matured over the last 2 years. Having previously set out the founding pre-conditions of assessment plan acceptance and recognition, in December 2017 we published our EQA approach as a guide for employers. This was updated in December 2018. A brief outline of the stages of our EQA approach is given below, together with an overview of activity in that area.

## Recognition and readiness

2. Where we are the EQA provider, we require all EPAOs to be recognised by us. Passing through the Ofqual recognition process means that an organisation's capacity and capability to deliver EPAs has been checked and that they are subject to our legally-binding requirements.
3. All organisations intending to apply are required to participate in an early engagement meeting, where the details of what is required are discussed with them. Following this meeting, the applicant completes an application form and provides a documentary submission. This is reviewed and applicants are invited to attend a panel meeting with senior relevant colleagues from across Ofqual. Successful completion of all stages and becoming recognised is demonstration of organisation's capability to meet our conditions of recognition, and their willingness and capacity to be able to comply with our Conditions<sup>13</sup>, including our EPA specific conditions<sup>14</sup>.
4. Already recognised awarding organisations are required to apply to 'expand their scope' – a process whereby they notify us of each EPA that they intend to offer. Upon being notified we will make a decision, based on their current activity and risk profile, to determine the additional information we require from them before agreeing to regulate their EPA. Once recognised an awarding organisation is then listed on our Register<sup>15</sup>. The EPAs that they offer are also listed on the Register, once they are made available to learners.

## Assessment plan acceptance

5. We review assessment plans where the trailblazer has chosen Ofqual to provide EQA, in order to determine whether the plan could facilitate sufficiently valid EPAs. Through this process, we are able to provide feedback on assessment plans to the Institute and the trailblazer group. As we consider the assessment plan to be the foundation of a valid EPA, and once accepted

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<sup>13</sup> <https://www.gov.uk/guidance/ofqual-handbook>

<sup>14</sup> <https://www.gov.uk/government/publications/epa-qualification-level-conditions-and-requirements>

<sup>15</sup> <https://register.ofqual.gov.uk/>

by us, it is the basis of our regulation of the EPA as required. This process also allows us to provide a regulatory view and recommendation to the Chief Regulator to confirm that we agree to undertake EQA.

6. Plans are received from the Institute, as part of their assessment plan review cycle, or in some instances directly from the trailblazer group. These are reviewed by our Technical Advisory Group (TAG) members, through a combination of desk reviews and meetings. In reviewing the plans TAG considers the question, 'is there anything within the plan which would prevent an EPAO from developing a valid assessment?'. Where a plan is accepted for EQA, this will be communicated to the trailblazer and Institute via email. Upon acceptance by the Institute, a joint letter from both the Institute and Ofqual will be sent to the trailblazer, formally accepting the assessment plan. We publish details<sup>16</sup> of those assessment plans we are considering and for which we have agreed to provide EQA.

## *Technical evaluation*

7. This is an important check to see whether the EPA an EPAO is proposing to use meets the requirements that have been set out in the assessment plan. Our technical evaluation involves a review of all the assessment tools and materials, along with any associated guidance and documentation that the EPAO has developed. The review is undertaken by industry experts alongside Ofqual assessment experts and is undertaken through a documentary review and meetings.
8. The technical evaluation considers if the EPA materials can reliably test the knowledge, skills and behaviours specified in the apprenticeship Standard and assessment plan; can be graded in line with the assessment plan and enable results to be trusted as a measure of what an apprentice knows and can do. Through this evaluation we consider key aspects, such as the extent to which the assessment materials are at the correct level of demand in terms of assessment tasks and criteria; have clear task requirements; are manageable; can be authenticated; provide a basis for accurate and consistent assessor judgements, and have appropriate and comparable expectations.

## *Regulatory framework*

9. Ofqual operates a regulatory framework of rules and guidance, which apply to all awarding organisations and all qualifications we regulate: our General Conditions of Recognition, which we set and publish using our powers

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<sup>16</sup> <https://www.gov.uk/government/publications/external-quality-assurance-of-end-point-assessments-status>

under [section 134 of the Apprenticeships, Skills, Children and Learning Act 2009](#) and our guidance to the Conditions, which is designed to help awarding organisations understand how to comply with our rules. Awarding organisations, including those recognised EPAOs, must have regard to this guidance under [section 153 of the apprenticeships, Skills, Children and Learning Act 2009](#).

10. In autumn 2017, we met with groups of organisations to consider which of our Conditions were fit for purpose for regulation of EPAs and where modifications may be required. In early 2018, we undertook a public consultation on the development of EPA qualification-level conditions and guidance and, following analysis of the 39 consultation responses and feedback from 3 consultation meetings with awarding organisations, we published [the EPA specific requirements and guidance](#).

11. In response to consultation feedback, we:

- amended our proposed end-point assessment specific guidance regarding how EPAOs manage arrangements with centres and centre-based assessments
- expanded our guidance relating to specifications to ensure EPAOs have clarity around what they must contain and how they must be published
- amended our proposed Conditions and guidance relating to event notifications:
  - i. to clarify what should be reported and what actions should be taken
  - ii. to remove the requirement to notify Ofqual of the intention to offer qualifications substantially different in type or content from those an EPAO is recognised for because this would already be required through our recognition process
- provided additional clarity about the use of terminology in our Conditions where it relates to EPAs

12. This consultation and the specific amendments to our regulatory framework are demonstration of the seriousness and focus we place upon our EQA of EPAs. These decisions and amendments enable us to quality assure using our regulatory framework and apply all our regulatory powers to the EQA of EPAs.

## Assessment plan queries (APQ)

13. We consider and respond to queries relating to assessment plans where Ofqual is the named EQA provider, so that awarding organisations are able to be compliant with our rules and with the assessment plan, and to ensure consistency of interpretation across awarding organisations responding to the particular assessment plan.
14. Queries may be raised by awarding organisations, trailblazer groups, apprentices, training providers or other relevant parties. These are initially reviewed, and where they are judged to be substantive and relating to issues arising from assessment plans, they are forwarded to the assessment plan query (APQ) group – which is made up of colleagues from across the VTQ directorate as well as the Legal team. Where necessary, we may refer the query to the Institute. Once a decision is made, the party concerned is informed, awarding organisations may be informed directly or via our awarding organisation portal (if the decision has wider relevance), and any other relevant parties notified.

### *On-going regulation*

15. We monitor and regulate so we can take a range of both proactive and reactive activities where organisations we regulate are concerned. Each awarding organisation is assigned a portfolio lead as their main point of contact. Through a process of portfolio management, we form a risk analysis for each awarding organisation, so that we can monitor their activity and focus our resources on those awarding organisations and EPAs where we have greatest concern – either through a scheduled programme of work or responding swiftly where the need arises.
16. Ongoing regulation of the EPA when it is in the market, draws on a range of methods including:
  - invitations to induction meetings when they first become recognised
  - invitations to EPAO fora and our awarding organisation conference, to discuss latest developments and findings and they can share their experiences and insights
  - providing awarding organisations with relevant information (such as thematic reports, or outcomes of APQs) to equip them to comply with our rules and deliver EPAs which are in accordance with the assessment plan
  - our established procedures of event notifications and annual statements of compliance – where awarding organisations self-regulate and notify us

when things have gone wrong and inform us of what they are doing to investigate the issues and / or bring themselves back into compliance

- careful monitoring of intelligence that we gather from stakeholders who have an interest in the qualification or assessment including: apprenticeship training providers, Quality Alliance partners and employers
- handling complaints about an awarding organisation or their EPA, investigating and then taking appropriate courses of action with the awarding organisation and the complainant
- undertaking audits, through which we gather and evaluate evidence from awarding organisations of the systems of internal control they have in place to make sure they comply with their Conditions of Recognition and to manage the associated risks

## Employer and professional body engagement

17. We want the public, including employers and their professional bodies, to be confident in the qualifications that we regulate, and to support the qualifications that awarding organisations offer. This includes EPAs.
18. We engage with trailblazer groups as they develop the assessment plan, providing them with feedback so that they are able to design an assessment plan which will facilitate valid assessment of the knowledge, skills and behaviour they have determined are required for that role. Through professional bodies, we source employer experts to participate in technical evaluations. We maintain contact with employer and professional bodies throughout the life of the EPA. This enables them to keep-in-touch with the qualifications they rely on, providing us with insights on how these are being received and delivered, raising any evidence of concerns that they may have, and for us to provide them with details of actions that we are taking.



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