



The Rt Hon Gavin Williamson CBE MP  
Secretary of State  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London, SW1P 3BT

24 April 2020

Dear Secretary of State,

**OFQUAL RESPONSE TO DIRECTION UNDER S 129(6) OF THE  
APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009**

Thank you for your letter of 9 April, setting out your direction to Ofqual in relation to the awarding of vocational and technical qualifications, and other general qualifications not covered by your direction of 31 March.

Ofqual is fully committed to playing its part in responding to the profound challenges presented by COVID-19 in the interests of learners and all those who use and rely on qualifications. There are very significant implications of this public health crisis that are already affecting learners, schools, colleges, training providers, and awarding organisations. We are working urgently to put in place arrangements to mitigate those effects.

Your letter set out government policy that assessments cannot proceed as planned; and that learners who are taking vocational and technical qualifications for progression to employment, further or higher education should be issued a set of results this summer in order to allow them to progress. As you have noted, the diversity and complexity of the vocational and technical qualifications landscape necessitates a range of approaches. In all cases, the approaches taken must be underpinned by the principle of fairness and must take into account the needs of learners, be manageable for schools, colleges and training providers and minimise the long-term impact of COVID-19 on the qualifications system.

We welcome the clear articulation of government policy given the exceptional circumstances and their implication on our ability to fulfil our statutory objectives. Having due regard to those policy intentions, we have carefully considered our response and are launching a consultation today

on a proposed extraordinary regulatory framework. The arrangements that we propose to put in place will, as far as possible, provide those students who had planned to take exams and assessments this summer for progression with a grade calculated by awarding organisations, as long as we can be assured that those awards are sufficiently valid and reliable. Those who are completing programmes of study that are linked directly to occupational or professional competence will still need to take an assessment to ensure that their qualification is a valid reflection of their abilities, particularly in high stakes occupational areas. Our proposals will however set out a range of permitted adaptations that could be made and we will expect awarding organisations to only delay assessments where an adaptation is not possible or appropriate.

We share your concern to ensure that learners taking vocational and technical qualifications are not disadvantaged with respect to their peers taking GCSEs, AS and A levels. Equally, we are concerned (as I know you will be) to ensure that the value of all qualifications – as signals of what learners know and can do – is not compromised. It is therefore important to note that there will be cases where results cannot be issued and delay is the only appropriate option. In those cases, and for those students and other learners who consider that any calculated grade doesn't reflect their ability, we are proposing arrangements for further assessment opportunities to be available as soon as is possible in the autumn term.

Today's consultation seeks views on the extraordinary regulatory framework designed to cater for the wide range of vocational and technical qualifications in scope of your direction. The cumulative effect of these steps represents a significant change to the usual operation of regulated vocational and technical qualifications. Our consultation sets out details of our proposed extraordinary regulatory framework, alongside both an equalities impact assessment and a regulatory impact assessment. The proposed framework includes a set of key principles which awarding organisations will have to meet as they develop and implement plans for awarding. We will continue to work with awarding organisations and their representative bodies to encourage collaboration and facilitate a common approach as far as practicable.

We have also confirmed in our consultation our proposals that awarding organisations will continue to offer a right of appeal and that it will apply to decisions made under the extraordinary regulatory framework. We have proposed the introduction of further guidance for awarding organisations to sit alongside our existing rules governing appeals.

We have already consulted with groups representing education and training providers and those representing employers and professional bodies, a range of awarding organisations and your officials on our proposed approach. We have also sought views from groups that represent students and we have drawn on the advice of assessment experts on technical issues. We are working at pace with awarding organisations and their representative bodies to confirm the advice that we will send to you in order for you to determine which qualifications will fall within scope of the extraordinary regulatory framework this summer. All those learners, parents, providers and others affected by these

unprecedented circumstances can be assured that we will continue to work urgently to put in place the best possible arrangements on their behalf.

I am copying this letter to the recipients of yours: Robert Halfon MP as chair of the Education Select Committee; to Kirsty Williams AM and Peter Weir MLA as Education Ministers in Wales and Northern Ireland respectively; and to John Swinney MSP as Cabinet Secretary for Education and Skills in the Scottish Government.

Yours Sincerely,

A handwritten signature in black ink that reads "S Collier". The signature is written in a cursive style with a long horizontal flourish underneath the name.

**Sally Collier**  
Chief Regulator