ANALYSIS OF CONSULTATION RESPONSES

Exceptional arrangements for assessment and grading in 2020

Consultation on the assessment and grading of vocational, technical and other general qualifications

ofqual

Contents

1   Introduction

We [consulted from 24 April to 10 May 2020](#) on the exceptional arrangements we proposed to put in place temporarily for the awarding of vocational and technical qualifications with assessments that would have been taken in spring and summer 2020.

There were 1,512 complete responses to our consultation; 1,508 were received through our online form and 4 by email. These responses are summarised in this document.

2   Background

We ran this consultation because the coronavirus (COVID-19) pandemic led to the decision, on 18 March 2020, by the Secretary of State for Education that [exams scheduled for the summer in 2020 should not take place](#). It was also decided at that time that schools and colleges in England would shut to all but the children of key workers and vulnerable children from 20 March until further notice.

We received a [direction from Government on 9 April](#) that established its policy direction for technical and vocational qualifications. Key points set out by the direction included that:

- learners taking vocational and technical and other general qualifications that are used for progression to and through employment, further or higher education should be issued results this summer to allow them to progress

- learners should, wherever possible, receive a result that fairly reflects the work that they have put in and their level of attainment and, where relevant, maintains the same broad levels of comparability with previous years

- all reasonable measures should be taken to ensure a safe and valid result can be awarded to learners, and that standards are maintained as consistently as possible, recognising challenges for maintenance of standards and reliability

- there will be some learners who cannot be provided with a result this summer because there is simply no way in which a valid result can be calculated, or an assessment adapted while still remaining fit for purpose

- learners should have access to a right of appeal if the relevant process was not followed correctly by the awarding organisation

- learners who do not feel their result reflects their ability should be afforded an opportunity to complete an assessment at the earliest available opportunity

The qualifications in scope of the direction fell into 3 categories: those used for progression to further or higher education; those serving a mixed purpose; and, those signalling occupational competence. The direction also set out the approach that the Secretary of State considered should be taken to each category; namely, whether the result for a qualification falling into each category should be calculated, or subject to adaptation.

In response to the direction, we proposed to introduce an extraordinary regulatory framework that would:

- provide a temporary framework for qualifications, depending on their purpose, to set out how an awarding organisation should calculate results, or adapt or delay assessments
- allow awarding organisations to provide clarity to schools, colleges and training providers about what evidence they should gather and consider, and what evidence they will submit to the awarding organisations, where required to calculate a grade
- allow awarding organisations to make clear which learners should receive a calculated result (and how it will be awarded), or be required to complete an assessment
- enable awarding organisations to access, adapt, or build the systems needed to issue results this summer and adapt assessments where this is necessary

The detail of the extraordinary regulatory framework and the rationale for our proposals were presented in a single consultation.

3 Approach to Analysis

The consultation included 27 questions and was published on our website.

It ran for only a short period time – a much shorter period than we might normally allow for consultation. However, we took this approach because of the immediacy of the situation and a need for an established position to be determined that could provide more certainty to awarding organisations, learners and teaching staff as quickly as possible, as well as to allow sufficient time for arrangements to be put in place by awarding organisations.

Respondents to our consultation used an online form to submit their views. This was a consultation on the views of those who wished to participate and, while we tried to ensure that as many respondents as possible had the opportunity to reply (recognising the short window for responses), this analysis should not be considered as a truly representative sample of any specific group.

We present here summaries of the responses to the consultation questions in the order in which they were asked. For each of the questions, we presented our proposals and then asked respondents whether they had any comments on what we had proposed. Respondents did not have to answer all the questions.

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

4 Who responded?

We received 1,508 responses to the online consultation that used the standard response form. In addition, we received 4 responses which were submitted by email. These 4 are not included in the quantitative data we provide below.

During the consultation period we also engaged, through webinars and online meetings, with a range of stakeholders, such as awarding organisations, representative bodies, government and other regulators. This included hosting meetings with our Vocational and Technical Qualifications Oversight Board, a range of technical advisory groups and our Access Consultation Forum[1]. Views expressed through these engagements were taken into consideration alongside the consultation responses.

As well as this, we received a further 2,360 incomplete responses to our consultation online. While the responses are not taken into account in the quantitative data published here – as the responses were not submitted as complete – we did review the comments to ensure we took into account in our considerations any further details that were relevant. We also reviewed comments relevant to this consultation that were received in our consultation on exam grading and assessment for GCSEs, AS, A levels, Extended Project Qualifications and Advanced Extension Awards.

We have given a detailed breakdown of respondent groups in Annex A against each of the closed questions asked, to support a more detailed understanding of the level of support or disagreement with our proposals. In Annex B we list all of the organisations who submitted non-confidential responses to us.

The following table is a summary of respondents by types who completed our consultation.

Respondent group	Number of responses received
Organisation	394
Awarding body or exam board	46
Local authority	12
School or college	221
Academy chain	21
Private training provider	48
University of higher education institution	7
Employer	1
Other representative or interest group	38
Personal	1,114
Student	82
Parent or carer	92
Teacher (responding in a personal capacity)	719
Other	221

---

[1] Our Access Consultation Forum is a meeting where representatives with a relevant interest discuss the accessibility of regulated qualifications and assessments.

This was a public consultation on the views of those who wished to participate. We were pleased to receive a large number of responses, although we recognise that the responses are not necessarily representative of the general public or any specific group.

5   Question-by-question analysis

In this section we summarise the views of those who responded to the consultation.

5.1   Scope

Question 1: To what extent do you agree or disagree with our proposed approach to qualifications which fall out of scope of the extraordinary regulatory framework?
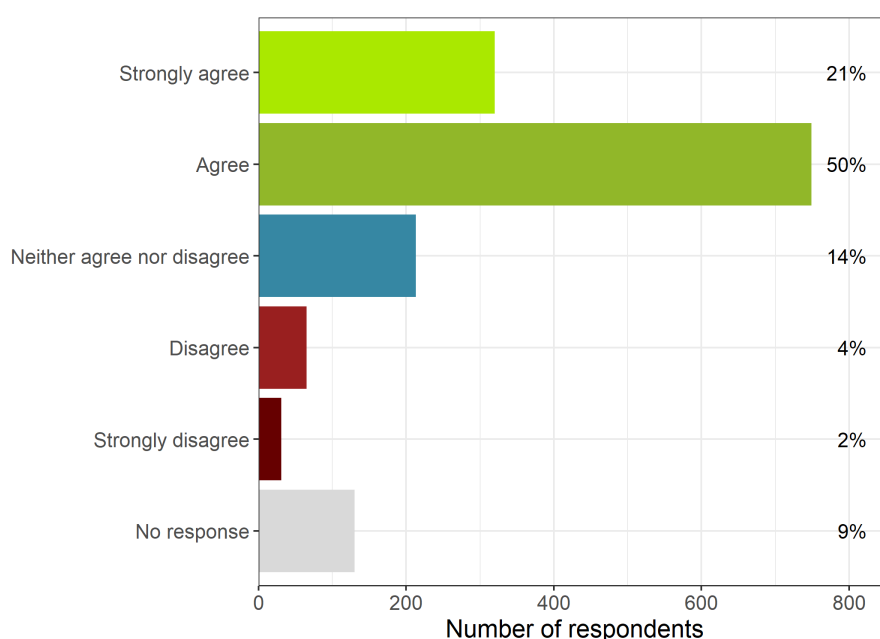
Figure 1: responses to question 1

Seventy-one per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approach to qualifications which fall out of scope of the extraordinary regulatory framework, compared to 6% who disagreed or strongly disagreed.

A total of 1,378 responses were received to this question and 384 respondents provided further comments.

A significant number of respondents made comments that related to other aspects of the consultation. Such comments have been included in the sections of the analysis to which they best apply.

Some respondents provided explanations for why they agreed with our proposed approach relating to qualifications which fall out of scope of the extraordinary regulatory framework:

- an awarding organisation commented that it makes sense that some qualifications do not fall within scope of the extraordinary regulatory

framework if the primary focus of the extraordinary framework is those qualifications that allow progression to further learning or employment

- an awarding organisation commented that allowing the extraordinary regulatory framework to apply to only some qualifications enables the sector to focus limited resources on key qualifications

- a representative body noted that the proposed framework usefully states that awarding organisations should have regard to the requirements of the conditions set out in the framework, even when qualifications fall outside of the scope of the direction. They suggested that it would be useful if this was also highlighted in any supporting documentation

- another awarding organisation said that they agree it should be for awarding organisations to decide the best approach to take with out of scope qualifications. They thought it is likely that similar principles will be adopted for these qualifications, recognising that awarding organisations will have to make decisions alongside their current obligations under the General Conditions of Recognition

A small number of respondents, however, expressed concerns about certain qualifications not being 'in scope':

- a teacher, who agreed with the proposals, expressed concern that some qualifications may not be awarded this summer, such as sports leaders' awards

- a centre representative, who agreed with proposals, explained their concerns that entry level qualifications in independent living skills for students with high needs may be outside of the framework

- a representative body, which disagreed with the proposals, stated guidance sent to awarding organisations explicitly states that qualifications that recognise growth and personal learning, which they understand to mean those covering independent living skills or personal and social development, are out of scope. They felt strongly that all qualifications should be in scope and that excluding qualifications of this nature is unnecessarily discriminatory, preventing some students from gaining a qualification through no fault of their own. The respondent noted that such qualifications are used for progression, and even where they are not, they can be of significant value to the young person; students in their final year, in particular, will probably not have any further publicly funded opportunities to gain qualifications thereafter. Another representative body provided a similar response, stating that these qualifications are crucial to the success of some of the most vulnerable students in the education system

- six colleges from Northern Ireland provided a collective response, noting that whilst the qualifications in scope of the proposed extraordinary regulatory framework are those that are approved in England for public funding from Entry Level through to Level 6, qualifications approved by the Department for the Economy in Northern Ireland are likely to be different. The colleges were of the view that all funded qualifications from Entry Level to Level 7 delivered in Northern Ireland should be in scope. They advised that awarding organisations need to be mindful of the differences that could exist and ensure that the application of the framework is consistent with the requirements agreed for Northern Ireland and not just England

- one respondent stated that whilst they agreed in principle to the proposed approach to qualifications which fall out of scope, they were concerned that awarding organisations hold all of the decision-making power. They suggested that providers should be given the opportunity to appeal in exceptional circumstances where cohorts fall out of the norm in relation to their progression pathways and therefore may require a different strategy

There were a number of awarding organisations who disagreed with our proposal and who raised issues related to non-public funded qualifications being 'out of scope' of the proposed extraordinary regulatory framework:

- one awarding organisation stated that it is unclear why qualifications not eligible for public funding are out of scope of the framework – they felt this was an arbitrary rationale for deciding scope. They noted that they appear to offer a number of qualifications that are deemed to be out of scope, while there are other organisations delivering similar qualifications that are in scope

- another awarding organisation pointed to the same issue, stating they believed this could lead learners to be treated differently, disadvantaging them compared to others on (almost) identical qualifications

- four awarding organisations, and a representative body, raised the concern that awarding organisations who are commercial rivals with identical or almost identical products, could be regulated differently. It was noted that many awarding organisations are planning to apply the principles of the framework as far as possible across all their qualifications, whether in or out of scope, for equity, fairness and operational reasons

- one awarding organisation also stated that it is essential, for public confidence and to support vocational and technical qualifications into the future, that all qualifications, regardless of their funding status are evaluated on the same principles. They also said this is important for both communication and consistency purposes

There were a number of other responses that emphasised the importance of consistency:

- two representative bodies commented that if it is left to awarding organisations to decide whether to offer a grade, adapt assessment or delay assessment, this could be unfair on students who face different approaches. A centre said that where qualifications fall out of scope, the awarding organisation should deal with all centres in a consistent manner so there are no regional disparities. They did agree that awarding organisations should be provided with the flexibility to meet the needs of individual students to ensure that nobody is disadvantaged

A number of respondents sought clarification on a range of issues in relation to this proposal. These included asking for clarity about:

- the list of out of scope qualifications. There was concern that some qualifications, which could fall out of scope, are those taken by their most vulnerable students. Examples given of these included ESOL and Independent Living Skills. Others asked for more clarity on qualifications such as essential literacy, numeracy and ICT skills, and other lower level

qualifications or those more generic in nature, but which still support progression to further education

- the definitions to be applied to music and drama graded examinations. For example, whether grades 1-5 are out of scope even if they are designated for funding and whether having UCAS points allocated to these would bring them in scope
- what would happen with qualifications that were previously funded that are no longer in an operational window, but still within a certification window

Several respondents noted the importance of the proposed guidance, and about communicating to all relevant stakeholders:

- an awarding organisation stated they thought the guidance on arrangements for out of scope qualifications provided in the draft framework was limited. They asked particularly for an indication on where aspects of the approaches outlined in the framework could be followed for out of scope qualifications. They also said it would be helpful if we could highlight areas of conflict or potential risk to compliance with the General Conditions for awarding organisations who might take principles from the extraordinary framework as a starting point for managing out of scope qualifications. Two representative bodies made almost identical comments
- another representative body stated they agreed with the guidance that we proposed for qualifications outside the scope of the framework. They said they thought it would be important to place the same emphasis as for in scope qualifications, in that delayed assessments should only be used as a last resort. This would be to ensure that progression for students taking qualifications out of scope is not unfairly impeded
- it was suggested that we should provide clear communication to key stakeholders, not just awarding organisations, as to which qualifications are in scope, with consistent messaging about this to help those such as centres who will be handling questions about what is and isn't covered by the extraordinary arrangements on a daily basis
- a teacher commented that it would be necessary to have further discussion on the qualifications that are not covered by the framework and the nature of the learners that are enrolled on them. A centre suggested that there should be formally approved arrangements put in place for qualifications that fall outside of the scope of this consultation

There were several respondents who interpreted the meaning of publicly-funded differently. Generally, they suggested that public funding should not be the driver as to whether or not qualifications are awarded, as this would be unfair and disadvantage those students and institutions who self-fund rather than drawing government funding for their studies.

5.2   Which learners are covered?

Question 2: To what extent do you agree or disagree with our proposed approach to determining to which learners the extraordinary regulatory framework applies?
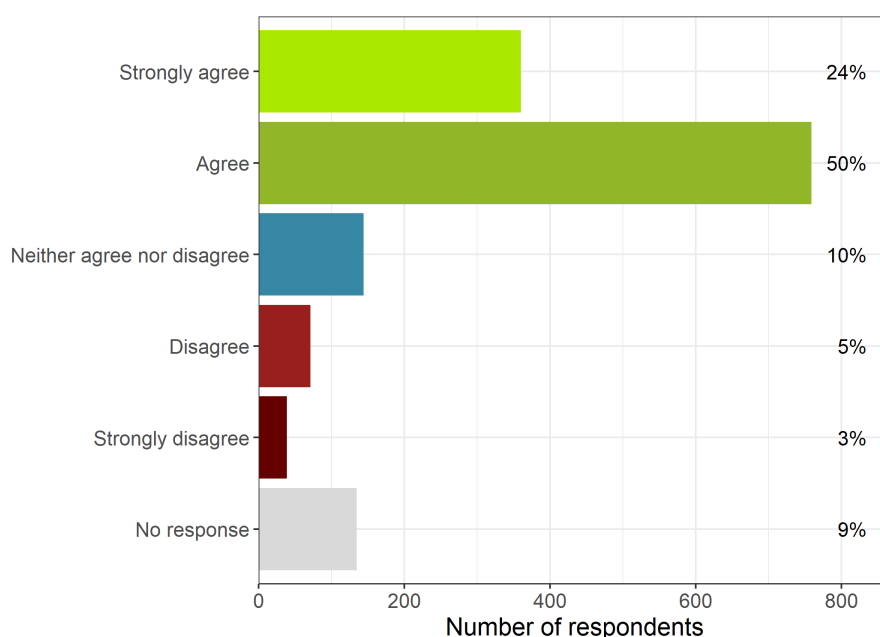
Figure 2: responses to question 2

Seventy-four per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approach to determining to which learners the extraordinary regulatory framework applies, compared to 8% who disagreed or strongly disagreed.

A total of 1,373 responses were received to this question and 344 respondents provided comments.

The most common focus of the responses received related to the position of students in years 10 and 12, with the position of private learners also discussed by a number of respondents.

The vast majority of the responses from both respondents who said they agreed/strongly agreed with the proposal and those who said they disagreed/strongly disagreed with it, were in favour of learners outside of years 11 and 13 being covered by the proposed framework, suggesting that many of those who stated that they disagreed/strongly disagreed had not fully understood the proposal on this point, and were under the impression that such learners were intended to be excluded.

The reasons respondents gave for agreeing that the proposed framework should apply to learners, irrespective of age or school year, included the following:

- all learners who would have taken written exams or submitted course work for all qualifications this educational year should be treated equally
- centres would not have time to revisit / revise this year's content on top of the new content to be covered next year if assessments were postponed and staff would not have the time to do so
- students' mental wellbeing should also be taken into consideration; having to take this year's units or assessments the following year on top of the year 11/13 course/exam would be very stressful

- students complete courses over long periods, with some qualifications being nested, so it would not be feasible to postpone elements for some learners

- some students take short courses or one-year courses that they will not have time to complete next year. An example given was Core Maths taken in year 12, the grades for which can count towards admission to HE at the end of year 13; tuition may not be available in year 13 so these year 12 students need to receive a grade in 2020

- some younger learners, such as key stage 3 learners also deserve certificates to recognise study they have done that will not be continued: a teacher gave the example of a large cohort of key stage 3 Latin students who were planning to sit for the level 1 certificate this summer, most of whom were not continuing the subject at key stage 4, so would not have a later opportunity to gain recognition for the hard work they had done

- a college commented that most of its students were enrolled on a one-year programme of study with a view to progressing onto the next level or a top-up qualification of the same level, so should not be disadvantaged if they were not in year 13, as their qualifications were still required for progression

- a parent pointed out that those who had chosen to take exams a year early should not be discriminated against

However, there were a few respondents who disagreed with the proposal for all school years/students of all ages to be included:

- an awarding organisation stated they would prefer year 13 learners to be prioritised as the cohort for whom progression to further and higher education was most crucial. The respondent made the point that awarding organisations may not have the capacity and capability to offer adapted assessments to all learners who want to take them this summer, while other learners are probably able to delay without a big impact on their progression

- a union stated that they would prefer that the proposed framework applied only to those learners for whom it can be demonstrated that the denial of an award would have "consequential and adverse implications for their progression" into or through work or to further or higher education, as this would be more manageable

Some respondents agreed with the proposal for learners of all school years/ages to be included, but wanted further clarification on specific issues including how calculated grades given in year 12 would contribute towards final grades the following year, and whether there will be opportunities for re-submissions or re-sits after receiving calculated grades. A teacher was concerned about the impact this year's loss of learning would have on achievement data and skills acquisition for the next academic year. They suggested that additional 'catch up' funding should be made available to support fast-tracking the teaching of lost knowledge and skills in autumn 2020, to ensure a generation is not disadvantaged and that the UK economy does not suffer further negative impact.

Two awarding organisations wanted clarification as to whether learners who are entered for a unit or unit(s) contributing to a qualification grade, but do not have

sufficient units entered this year to claim such a qualification, are eligible to receive a result this summer. They requested greater clarity on the provision of unit results for those learners who are not due to 'cash-in'; they suggested that this should include whether, if a learner is due to sit the remaining units for their qualification in a subsequent series, based on their performance in those remaining units, aspects of the extraordinary regulatory framework would need to be retained to apply to the units achieved earlier and the qualification result overall.

An awarding organisation commented that learners who had only been on programme for a short period of time and were not due to achieve until the following year should not be included. In line with this, another awarding organisation stated that they felt that learners due to complete their qualification in 2020 and the first half of 2021 should be the priority, as learners in the first year of a three-year course would have the option to delay and take assessments next year. A different awarding organisation suggested that the proposals should only include learners expecting certification for the qualification this year, and only where it has been identified that normal assessment methods cannot be used and a learner will not be able to progress.

A centre queried what might happen where apprentices and further education learners are taught together, if there are conflicting requirements for apprentices compared to other students, which would be inequitable.

Considering the impact on centres, 3 awarding organisations suggested the impact of the current situation should be taken into account in the overall grading profile of qualifications achieved over at least the next 2 years. In line with this, another awarding organisation suggested that performance measures tables should not be published in 2021 to avoid outcomes being impacted by the disruption this year.

Several respondents commented in favour of including all private learners and those taking resits, enabling as many as possible to receive calculated results where possible. A small number of comments noted concern about currently unregistered learners, and whether it would be possible to identify them and take appropriate action, especially for those coming to an end of their learning but at a centre where they would not be registered until they were ready for assessment.

Other groups of learners were also addressed by comments received from some respondents. With regards learners with SEND, a number of comments were received:

- three awarding organisations and a representative body were concerned that learners with SEND could be disadvantaged as it might be difficult to gather the evidence necessary to calculate grades for these learners or they might not be able to use remote proctoring technology for adapted assessments. Another respondent commented that learners with SEND could be disadvantaged by remote assessments in the home environment, as settings are often vital for them, with their centre of learning as their safe place, so they may not be able to perform as well or at all in a home setting
- a centre was concerned that the proposed approach with its focus on learners progressing to further study or employment would not adequately cover learners leaving a learning setting but not progressing, such as

learners who have SEN, for whom qualifications provide a statement of what they have achieved, reward success, and may help them to prepare them for suitable activities in adulthood

A few respondents commented in favour of including ESOL learners. A centre commented that learners for whom English is not the first language may be disadvantaged as they might find it harder to access adapted assessments and a teacher noted that ESOL learners would be disadvantaged if they were required to take exams soon after having missed several weeks of classroom teaching. Another teacher commented that ESOL learners should be treated equally compared to others in the framework and not marginalised.

A small number of other respondents commented on offenders undertaking qualifications in prison. A representative body noted that many learners in prison complete vocational programmes on a roll-on roll-off basis, with end dates planned across summer 2020 and into the latter half of 2020. They suggested that provision to ensure that learners looking to complete their programme of study up to December 2020 should be encompassed by this framework. Several teachers indicated that adaptation would pose significant difficulties for those in the offender learning environment – for example, voice or video recording was seen as unlikely to be feasible, and access to the internet likewise. Another teacher stated that the dates that learners in prisons would be available for assessment once staff were allowed to return to site were hard to predict, not least as prisoners might have been released or transferred.

Two respondents commented on the position of international learners. An awarding organisation suggested that each awarding organisation should operate its chosen 'in scope' qualification assessment approach consistently regardless of where the learners are based, to avoid placing a potential added burden on learners and awarding organisations, and heightening the risks of any learner being disadvantaged. A university agreed that the principle of awarding grades (or not) to international learners in accordance with local rules or regulations was fair but would encourage centres to follow UK measures wherever practicable.

Several respondents expressed concern over learners being disadvantaged or penalised for reasons beyond their control:

- a number of respondents expressed concerns that learners might be penalised if their centre failed to collect sufficient evidence. A centre was concerned that learners might be disadvantaged if the definition of 'lack of evidence' was extended to include lack of statistical robustness in cases of very small national-level entry size; they argued that it should still be possible to base a grade on the evidence available to the teacher
- several respondents expressed concerns that learners might be disadvantaged where they couldn't access technology and suggested sufficient time and resources should be made available to centres to facilitate access for those learners
- two respondents were concerned that learners might be disadvantaged where one awarding organisation decides on a different set of rules compared to another, calling for greater consistency and less flexibility of approach

Finally, an awarding organisation requested clarity on whether the word 'setting' used in our proposals (in the phrase "the setting within which they [learners] are taking their assessments") refers the stage of learning (for example, the end of the first year of a two-year study programme), the educational/organisational setting (such as college, training provider, apprenticeship) or a relationship to the purpose of the learning (for example, progression from year 11 to year 12, progression into employment, etc.), or all 3.

5.3 Concepts

Question 3: To what extent do you agree or disagree with the balance we are proposing to strike across the 3 elements of: delegation to awarding organisations, flexibility, and consistency?
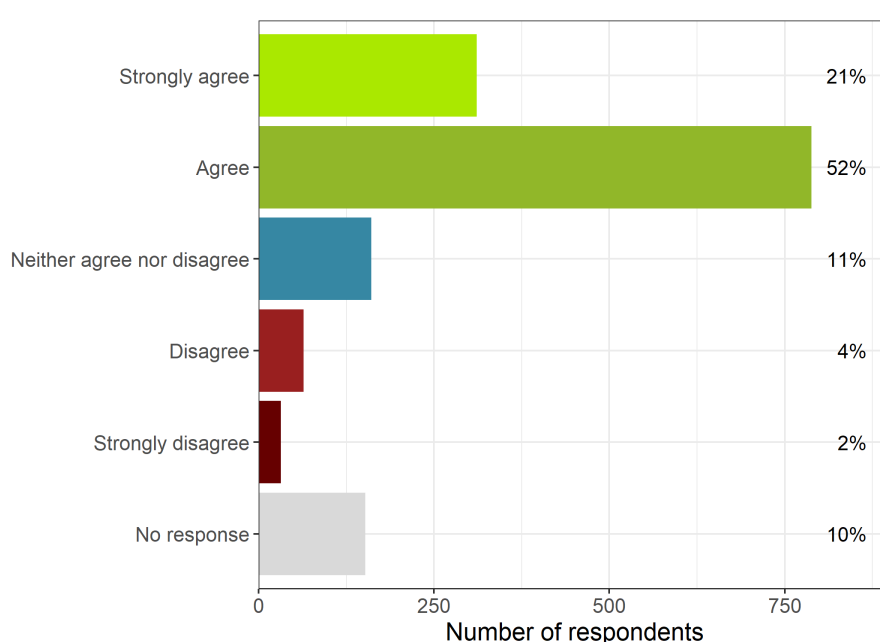
Figure 3: responses to question 3

Seventy-three per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approach to the balance we are proposing to strike across the 3 elements of: delegation to awarding organisations, flexibility, and consistency, compared to 6% who disagreed or strongly disagreed.

A total of 1,356 responses were received to this question and 331 respondents provided comments.

Many of the answers we received tended to interpret the question quite narrowly for example, reflecting on consistency within a particular qualification, rather than considering the broader issues of delegation, flexibility and consistency across qualifications more generally.

Those who considered the issue more broadly generally tended to agree with the balance and that it was the best approach given the circumstances, as it would allow responses appropriate to the situation, with a one-size-fits-all approach not being feasible owing to the diversification of the sector. Almost all those awarding

organisations who commented were in favour of the proposed approach; centres and personal respondents were more likely to express some reservations that the lack of consistency could risk leading to unfair and unequal outcomes for learners compared to their peers.

Several respondents commented on the fact that there was an inherent tension or conflict between consistency and the other two elements which might make it hard to attain a balance in practice; most respondents accepted that this was a necessary compromise.

Those respondents who agreed that the proposed approach struck the right balance between consistency, delegation and flexibility, did so because of a range of benefits they felt it would bring. The most common reason given for approving of the balance struck was pragmatism, with several centres stating that they favoured this as the most pragmatic approach in the circumstances.

Another common benefit cited was that it would allow responsiveness to centre and qualification context. An awarding organisation welcomed the proposed approach as they would be likely to have to make decisions in these exceptional circumstances which ordinarily might call regulatory compliance into question. They felt that the proposed approach offered a good balance between recognising this and still ensuring that consistency was maintained by holding awarding organisations to account for the decisions they made and the processes they followed. A range of other comments were provided, including:

- three respondents noted that allowing a flexible approach would ensure individual circumstances can be considered, and that this would enable awarding organisations to better meet the needs of learners such as those with SEND or other protected characteristics
- another benefit cited by a few respondents was speed of decision-making. An awarding organisation commented that the proposed approach offered them a strong element of flexibility and autonomy, allowing necessary decisions to be made quickly and giving the authority to arrive at solutions which could be operationalised at speed
- many respondents acknowledged that the balance between flexibility and consistency was essential given the diversity of qualifications to be covered by the proposed framework

A number of centres and teachers said they were in favour of the proposed balance, because we would be able to exercise direct oversight of all the qualifications in scope of the proposed framework, and this would ensure consistency was maintained.

A range of respondents, however, expressed concern about a variety of perceived risks that could arise from the proposed approach.

A large proportion of those who disagreed with the proposed balance mentioned concerns over the impact of lack of consistency. A number of centres and personal respondents said that consistency was important, and that they feared that variations in approaches to assessment or awarding between awarding organisation for the same or similar qualifications could confuse and disadvantage learners and centres, especially those working with large numbers of awarding organisations. One

respondent felt that the balance found, in relation to delegation, should depend on the experience and scope of the awarding organisation. Other points made relating to consistency included:

- a number of respondents commented that there was a risk of undermining qualification currency because with awarding organisations given the flexibility to set their own criteria, employers or higher education institutions might conclude that qualifications from some awarding organisations were less valid or less secure than those awarded by others

- some centres commented that the range of approaches taken by awarding organisations might lead to inconsistencies in communications to centres, which would be confusing. One centre complained that they had already received conflicting communications from awarding organisations over similar qualifications and some made the point that consistency should include ensure that details are shared by awarding organisations at the same time. Several respondents noted the importance of transparency as awarding organisation approaches are set out for stakeholders

- two respondents expressed concerns that awarding organisations already take different approaches and that our proposed approach would therefore increase existing inconsistency

- an awarding organisation commented that they thought maintaining consistency across awarding organisations given the breadth of the vocational and technical qualification landscape would be an almost impossible task

- as a way of mitigating risks to consistency, several respondents requested that where a qualification was offered by multiple AOs, that the time frame for providing centre assessment grades, the quality assurance processes and the methodology used to calculate the students' grade were all consistent across the awarding organisations

Those who expressed concern over where the balance fell between the 3 elements included an awarding organisation who suggested that the principle that learners should be treated consistently should be prioritised over the other 2 elements of flexibility and delegation.

Several respondents raised the issue of equity for learners:

- a university suggested that equity should rather be the overarching principle behind all decisions that are made, so no learner groups were disadvantaged. Several respondents were concerned that vulnerable learners could be further disadvantaged. A representative body commented that we must ensure that awarding organisations and centres are aware of their responsibilities under the Public Sector Equality Duty (PSED), where applicable, and the Equality Act 2010

- a representative body commented that flexibility brought a risk that not all awarding organisations would apply the same standards and that some learners for example those with SEND, might experience discrimination; they welcomed our commitment to monitoring awarding organisation decision-making and noted that monitoring and recording how decisions are taken, together with the principles of transparency and accountability, are important parts of the PSED

Several other respondents referenced approaches to awarding:

- there was a preference among several respondents for calculating all grades rather than allowing adaptation in some cases. One respondent argued that there is much more evidence that could be used to calculate vocational and technical qualification grades, for example, unit grades, than there is for general qualifications where all qualifications are being calculated, so calculation should be applied across vocational and technical qualifications as across general qualifications

- conversely, an awarding organisation suggested that there is a bias towards calculation, and that this approach did not suit their particular business model. They suggested that there was insufficient delegation or flexibility for awarding organisations to decide the best course of action for their learners. Another respondent agreed, suggesting that awarding organisations are 'waving on through', via calculated outcomes, the awarding of qualifications that relate to occupational competence, risking disadvantaging learners, who might then lack the skills and knowledge required to perform their chosen trade safely and correctly

- three respondents suggested there could be a risk of potential conflicts of interest for awarding organisations in undertaking their delegated responsibilities, in that it was possible that some might make decisions around approaches based on financial interests or what was easiest for them, rather than the best interests of the qualification or learners

- a teacher was concerned that an inconsistent approach to moderation might lead to some awarding organisations trying to conduct moderation even while centres were still closed, while others might be content to trust teachers' professional judgement; their view was that a uniform approach would be fairer and more equitable

- an awarding organisation suggested agreement was needed between awarding organisations around the approaches to standardising centre assessment grades (including the use of banked units), dealing with varied amounts of evidence at candidate level, mitigating the risk of bias and ensuring equal access

Concerns around burden were raised by a number of respondents. Some noted that the current organisational capability of awarding organisations might be variable and, potentially even missing from some smaller organisations. In particular, concerns were raised that awarding organisations might lack staff to carry out delegated responsibilities due to having furloughed staff. An awarding organisation and a representative body were also concerned about the impact on the workload of awarding organisations – especially smaller ones – by the risk-based approach to oversight. Their expectation is that applying the measures in the proposed framework – such as devising strategies, processes, guidance and other associated documentation for centres, within a tight timeframe and potentially covering a large number of qualifications – would have a significant impact on financial and human resources.

Similarly, several centres and their staff as well as representative bodies were concerned about the potential burden on centres that the variety of awarding organisation approaches and requirements might cause. It was suggested that

further guidance and monitoring would be needed to ensure some level of consistency across awarding organisations, qualifications and centre types.

Several respondents requested clarification or made suggestions around implementing the proposed approach covering: our oversight of awarding organisation decisions and actions; potential regulatory decisions; and, maintaining standards.

In comments received here about our oversight of awarding organisations, many respondents assumed we will provide close regulatory oversight to all qualifications in scope, and felt this was important. Others noted the proposed risk-based approach, with 1 centre requesting a mechanism to be able to refer matters to the regulator and another requesting further information for providers on the risk-based approach, so that effective challenges could be made when necessary. Another teacher suggested that some form of validation, by us, of results at a national level would provide an additional confidence in and robustness of the awards made. In line with this, a representative body queried whether awarding organisations would be required to report their intended awards to the regulator sufficiently in advance of the award date to allow for scrutiny.

Several awarding organisations sought assurance around the potential for regulatory action to be taken, or not. Some awarding organisations said there should be no risk of reprisal where they sought assistance with gaps in their understanding – particularly those awarding organisations which might lack the necessary technical understanding of how to implement calculation or adaptation. It was suggested that they should be able to enjoy open and honest dialogue with the regulator at all stages of the process. Another awarding organisation noted that they appreciated the collaborative approach that we have adopted so far.

Several awarding organisations wanted further clarity over the extent of the flexibility and delegation proposed; suggesting that awarding organisations might be nervous of taking pragmatic decisions for fear of regulatory action. Some awarding organisations also queried whether the existing wording was intended as permission for an awarding organisation to make hard choices with compromises and to document these, or whether, where a decision looked particularly as though it would involve a significant compromise, this should be communicated in advance to the regulator.

Two awarding organisations, and a representative body, asked for clarity on what to do where regulatory requirements and professional body guidance disagreed. Several other respondents queried which should take precedence in this solution or whether awarding organisations were expected to make their own judgements. They were concerned about the impact, in meeting our requirements, of not meeting professional standards – that this might put them in breach of other Conditions instead. It was noted that some professional bodies appeared to have been reluctant to engage with collaborative work done by groups of awarding organisations, which made them concerned the professional bodies might challenge the decisions made. On a similar theme, a representative body commented that we should expect awarding organisations to consult with trade unions and other representative organisations on any matters that will have a bearing on the workforce.

Finally, with a view to the maintenance of qualification standards, some awarding organisations requested clarity in relation to our proposed principle 5: "maintain standards, as far as possible, across similar qualifications made available by the awarding organisation and by other awarding organisations". They asked for guidance or practical support mechanisms on how to maintain consistency with other awarding organisations, to achieve as much alignment as possible with principle 5. One awarding organisation queried how any data submission exercise would be used, and if the intention of data submission was to enable mitigations if we identify disparities. One awarding organisation said it needed to be clear which qualifications are seen as being similar across awarding organisations, while another suggested they would like to see support for the mandating of cross-awarding-organisation subject groups to support efforts towards consistency.

Question 4: To what extent do you agree or disagree with the key principles we have set out?
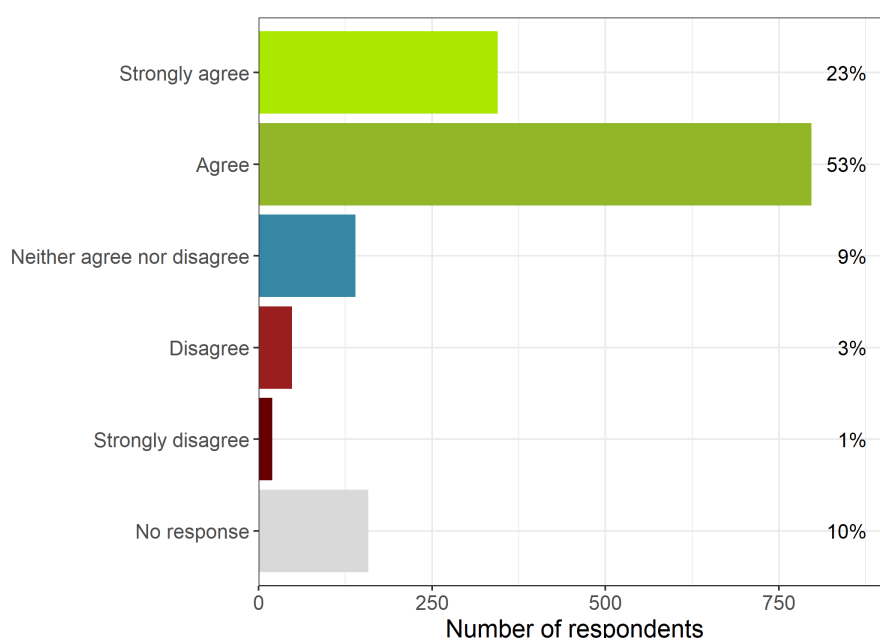
Figure 4: responses to question 4

Seventy-six per cent of all respondents to the consultation either agreed or strongly agreed with the key principles set out, compared to 4% who disagreed or strongly disagreed.

A total of 1,350 responses were received to this question and 237 respondents provided comments.

Generally, most respondents (including nearly all of the awarding organisations who commented) agreed with the key principles set out, and felt they were necessary to ensure progression and maintain qualification integrity. The flexibility afforded by the principles-based approach was also welcomed.

Some awarding organisations wanted more information about how the principles would take into account differences between different types of organisation and assessment:

- one awarding organisation requested clarity and additional guidance on any minimum requirements, as some awarding organisations might have differing amounts of data to base their decisions on; they suggested the technical working groups might be able to input into this guidance
- another awarding organisation wanted consideration to be given to the varying timelines in assessments, such as on-demand assessment versus series-based assessments

Some respondents expressed concern about specific principles and overlap or tensions between them, with awarding organisations particularly concerned about how Principle 5 could be applied in practice, and centres particularly concerned about the impact of Principle 4 on learners. A representative body said that the key principles seem helpful, but suggested it would be preferable for them to be 'held in balance' rather than prioritised, as doing the latter risked undermining confidence in standards. Another representative body described the principles as 'rather weak' compared to the approach for GCSEs and A levels.

An awarding organisation expressed concern that the key principles could risk quality and reliability in favour of achievement. They pointed out that in technical industries and trades there is no room for maintaining standards and reliability "as far as possible"; standards must be maintained to ensure no disadvantage is placed on those who have completed in previous years or years to come. They also felt that there was inconsistency within our proposed approach, as we had also proposed that for qualifications signalling occupational competence, adaptation would only be possible where it would not undermine the reliability of the result.

Respondents commented on the five principles as following (listed by numerical order of the principle referred to):

Principle 1:

- one awarding organisation suggested that this principle needs revising to reflect that many vocational and technical qualifications are roll-on, roll-off and can be taken frequently, making the usual stages of the academic year less relevant. They suggested therefore that, under some circumstances, there might be no harm and some benefit in waiting until things are more 'normal'. Respondents, including those working with learners in prison, noted the need for access to roll-on, roll-off type courses and ensuring such learners are not disadvantaged
- another awarding organisation suggested that where Principle 1 refers to 'as many learners as possible', this should be changed (here and throughout) to 'as many *disrupted* learners as possible', as some learners will not have expected to take an assessment during this period and so should not expect results
- a representative body commented that clear guidance would be welcomed for centres about the exact nature and type of evidence expected to ensure that results are sufficiently valid and reliable
- one awarding organisation suggested that this principle should come below principles 4 and 2

Principle 2:

- several respondents felt that this principle should take priority over issuing results to as many learners as possible, as the integrity of the results should be of a higher priority than the number of results issued, or it risks devaluing this year's results
- a small number of respondents said that the phrases 'as many students as possible' and 'as reliable as possible' are vague, and that the best possible outcomes would not always be possible for all students. They asked for further clarity on the apparent tension between being flexible and being consistent
- six awarding organisations and a representative body said they felt there is significant duplication within the principles between principles 1 and 2, and that it was unclear how these 2 would equate against each other. It was suggested that further guidance is required on when reliability and validity would be considered sufficient while enabling maximum certifications/completions. Several respondents said that the difference between the references to reliability in principles 1 and 2 was unclear. It was queried whether there is intended to be any difference, and if not, it was suggested that it would be helpful to remove the duplication

Principle 3:

- an awarding organisation and a government body asked for further clarity on Principle 3, which requires awarding organisations to ensure their chosen approaches minimise burden. They commented that it was not clear whether this referred to the burden on the awarding organisation, centre staff, learners or a combination of these. They felt it was important to clarify this, as there are likely to be circumstances where burden on awarding organisations and burden on centres/learners conflicts. The awarding organisation was also concerned that they might be expected to accept a disproportionate amount of burden
- a government body commented that it might be better to refer to 'limited burden' rather than the minimum burden
- one awarding organisation suggested that given that the extraordinary framework has been introduced in the context of a pandemic, Principle 3 should be extended to explicitly ensure safety as well as minimising burden
- a centre suggested that Principle 3 should be moved to the end of the list. They felt that awarding organisations should do whatever is necessary and take on whatever burden is required to ensure consistency. Another college agreed that, dependent on the extent to which burden might affect validity, a greater burden was worth it, if it ensures fair and valid results for all learners
- another centre felt that reducing the burden should be a higher priority, as centres have to manage this process across many awarding organisations
- a student and a parent felt that the effects of the principles, particularly 2 and 3, on reliability and deliverability, would impact unfairly on private learners

Principle 4:

- several teachers, along with 2 representative bodies and 2 centres, noted potential issues relating to the implications of principle 4 for schools with

poor results in previous years. They were concerned that the principle of maintaining standards risks adversely affecting institutions and providers that were expecting this year's results to be significantly better than the previous year's results, for example due to significant improvement at local and/or individual level. Concerns were raised that this: would be particularly damaging for small cohorts in specific subjects; could disproportionately affect students in disadvantaged areas; or could affect learners in centres that had made significant changes in 2019/20, such as raising entry requirements, or changing awarding organisation. A centre suggested use of previous result trends should only be used as part of a quality check and should not determine any individual learner's result. A local education authority was unclear how this principle would work in the first year of a new qualification

- an awarding organisation commented that we should acknowledge that the calculated results process might inflate achievement rates compared to previous years. They suggested this might be because capable candidates can perform less well than expected on the day of an assessment, and teachers might be inclined to give the benefit of the doubt to borderline candidates, when in an actual assessment, some of these would likely fail. They said that while awarding organisations would maintain rigorous quality assurance processes, and ask centres to justify discrepancies with historic achievement rates, as it stands the awarding organisation would have no basis for challenging a teacher's judgement without potentially arbitrarily disadvantaging candidates

- an awarding organisation suggested there is some overlap between principles 4 and 5

Principle 5:

- a centre stated that Principle 5 is essential if outcomes are to be reliable and meaningful in informing achievement and suitability for progression. A local education authority agreed that consistency in maintaining standards between qualifications and over time was vital and should possibly be placed higher in the proposed hierarchy

- several awarding organisations expressed concern that Principle 5 would be difficult for them to achieve in practice, as comparable qualifications are delivered by business rivals, and there are a range of differing design principles and approaches taken even with similar qualifications. One awarding organisation suggested that the principle should acknowledge the differences within similar qualifications

- one awarding organisation suggested that maintaining standards across qualifications would be better suited to being the responsibility of the regulators, and removed from the list of principles. Another awarding organisation asked for clarity if this was in fact the intention – if the expectation was that the regulators would take on this role, or if it would be down to the awarding organisations to achieve this principle by liaising with each other during the process

- an awarding organisation asked what measures would be taken, by whom (as it is a shared responsibility), and when, where standards are deemed to not be being maintained

- one awarding organisation said that maintenance of standards is already a requirement and does not just apply where possible. Another awarding organisation suggested that to meet Principle 5 would require support and facilitation from us along with sector bodies, the Federation of Awarding Bodies, and others

- one awarding organisation commented that Principle 5 mirrors the requirement in General Condition H3c. They suggested the Condition is not normally met by most awarding organisations and so queried why this principle has been made a priority at this time

- several awarding organisations stated that they would welcome the opportunity to work with other awarding organisations with regards to consistency of approach

- one awarding organisation noted concern around the burden that might arise from meeting Principle 5, bearing in mind that a higher principle is about minimising burden. A representative body said that Principle 5 should be placed above Principle 4, due to variations in quality assurance and demographic starting points year on year

- one respondent suggested that Principle 5 is too open to interpretation

A range of respondents suggested additional principles should be added:

- a centre said that to "minimise disadvantage to learners with special educational needs, protected characteristics or other vulnerable learners" should be part of the principles. A representative body and a teacher agreed that ensuring fairness and equality of opportunity as far as possible should be a key principle rather than an additional consideration

- some respondents said that the need to issue results to learners as soon as realistically possible is important too; but not currently not a principle

- a professional body felt that professional body approval of approaches, where relevant, should be included in the key principles

- a centre wanted to see a specific reference in the guidance around the principles to arrangements made for those who are in custody

- another centre suggested that the need to implement these principles in a manner that is realistic and achievable under current circumstances – for example with regard to the health and safety of all individuals – should also be mentioned

Three respondents raised points about the language of the principles. They queried:

- the use of the phrase 'as far as possible', where they were concerned that, in legal terms, this would set the bar very high. They suggested instead the phrase 'as far as is reasonably practical'

- potential ambiguity in the way principles 3 and 4 are articulated, noting the use of 'as many /as reliable /as far as possible'. While they understood the use of such terms, they were concerned how they might be interpreted retrospectively by the regulator during post-hoc scrutiny. They suggested further discussion and development should be required to establish the extent of these expectations, in order to give assurance about how the principles will be regulated. Similarly another respondent said that it would be important to recognise as part of the 'as possible' terminology, that awarding organisations will need to make compromises

- the use of the word 'ensure', as they felt it could set awarding organisations up for failure if 'ensuring' turned out to be impossible to achieve

A large number of comments were received that related closely to other questions in the consultation, and they have been analysed as part of those questions rather than here.

Question 5: To what extent do you agree or disagree with our proposal to allow awarding organisations to deliver their qualifications as normal where they are able to?
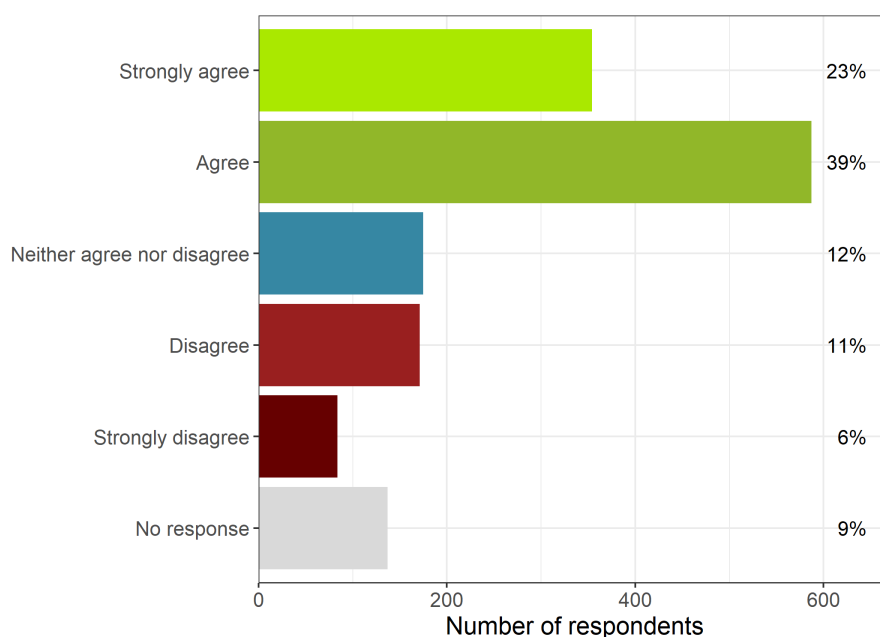

Figure 5: responses to question 5

Sixty-two per cent of all respondents to the consultation either agreed or strongly agreed with our proposal to allow awarding organisations to deliver their qualifications as normal where they are able to, compared to 17% who disagreed or strongly disagreed.

A total of 1,371 responses were received to this question and 467 respondents provided comments.

From the range of responses received, it was clear that not all respondents interpreted the proposals for this question in the same way. Indeed, it appears, to some degree, that whether or not the respondents were in favour (or not) of the proposals depended on their understanding of the phrases used.

There were many questions about what could and should be meant by 'as normal'. One centre explained their view of the issue by stating that where 'as normal' referred to qualifications delivered online with inbuilt systems for monitoring authenticity, they agreed that the normal procedure should be followed. However, where 'as normal' meant that awarding organisations would require teachers to travel to their workplace to scan and provide paper-based documentation, risking the health of teachers and the vulnerable learners studying in those centres, they would not be in favour. Some respondents interpreted 'as normal' to include making

adaptations, and others responded as if 'as normal' meant involving a delay in practice. Their answers necessarily involved discussion of the merits or demerits of the adaptation or delay approaches, however as these are already discussed at length under the relevant questions below, these have not been expanded on in this section.

Another centre queried the use of the word 'deliver', pointing out that centres might be able to deliver qualifications but that might not mean all relevant learners could access them. It was clear from the responses that some respondents assumed 'deliver' to mean both teaching towards the qualification and assessment, whereas others viewed it as referring to just assessment.

Several respondents also requested clarification of the phrase 'where they are able to' and who would decide this. One respondent thought it would be important to provide the rationale to centres for any qualification that is to continue to be delivered as normal.

A small range of reasons were given by those who agreed with the proposal as stated:

- a government body commented that assessment as normal would work well for some courses, for example, those with a high proportion of distance-learning with online open book assessments. They felt, moreover, that these should be assessed as normal in order to achieve fair and reliable results
- an awarding organisation said that many qualifications are internally assessed, knowledge-based qualifications, with the assessments delivered using methodology such as portfolios or workbooks which could easily be delivered in the normal way
- another awarding organisation stated that allowing awarding organisations to deliver their qualifications in the normal way, where possible, will help relieve any undue pressures, costs and resources that may result from the use of mitigating assessment methods on other qualifications. Another awarding organisation agreed, saying that if this was prevented, it would compromise their ability to conduct business and threaten their survival, risking undermining the stability of the system. One awarding organisation noted that while they might not be able to carry everything on as normal, there might be some elements of business as usual which could be applied to delivery of their qualifications
- six respondents (including 3 teachers) said that carrying on as normal wherever possible is key to minimising the impact on this cohort of students. One teacher said it would be disheartening if qualifications that could be delivered did not go ahead and another said that carrying on with delivery will provide a continuing structure during this disruption
- a university suggested continuing as normal seemed sensible, so long as providers are not forced to carry on their delivery 'as normal' as well during the centre closure period. Several respondents also said that taking assessments as normal would ensure their learners had no gaps in their knowledge and were fully prepared for future learning and jobs

- Several respondents noted that where qualifications can be claimed under usual assessment and quality processes, for example where all relevant evidence is already available, then the processes for certification should go ahead. Similarly, 1 respondent said that centres should be able to carry on claiming for completions where learners have already passed their assessments
- one centre noted the importance of assessments continuing as normal because of potential implications on retention and funding

Some respondents who favoured continuation 'as normal' were, however, concerned that awarding organisations or centres would prevent this happening:

- a centre queried who would decide whether awarding organisations are able to continue 'as normal', and claimed that many awarding organisations were already delaying assessments. Another centre and a teacher expressed concern that some awarding organisations might be too risk-averse and simply opt for delay
- a teacher suggested that decisions on continuing as normal must ensure a mutually appropriate and accessible delivery model for both awarding organisation and learners
- several teachers commented that there needs to be guidelines for what constitutes 'normal' so that awarding organisations are not allowed to just say they cannot do this. One queried whether, for example, where sessions can be taught online instead of in a classroom, this be regarded as 'normal'
- an awarding organisation commented that there should be clear guidance as to how qualifications continuing as normal should be monitored in centres

Several respondents argued that there would not be any circumstances where it was possible to continue as normal, and that assessments that still needed to be taken would need to be modified in some way. Other respondents considered how and under what conditions qualifications might be able to continue 'as normal':

- several respondents noted that awarding organisations would have to ensure that no students are disadvantaged and the validity is not compromised for any qualifications they decide to deliver as normal
- a centre commented that there should be a collective approach from different awarding organisations across all qualifications at the same level to make it a fair playing field
- an awarding organisation commented that they would be asking centres if they were able to continue as normal; they welcomed it as an option for those able to, but were concerned that any assessment conducted could be open to appeal
- a representative body said that it was crucial that any arrangements to deliver qualifications as normal do not rely on technologies which not all students will be able to access. In line with this, another respondent said that awarding organisations should consult centres to check they can deliver qualifications as normal. Several other respondents, however, warned that a centre-by-centre approach to 'normal' delivery would lead to inconsistency across the sector and unfairness for candidates

- 5 teachers suggested that continuing as normal should only be considered where it would not be possible to calculate grades. A centre suggested calculated grades should apply to learners in year 13 but learners in year 12 could continue as normal
- another representative body was concerned that centres are not encouraged, either explicitly or by lack of clear guidance, to put employees or learners at risk in attempting to complete qualifications 'normally'. They suggested there might be an equality of access issue and that it would be preferable if there was 1 agreed method of completing a qualification across centres. They also noted that inconsistent delivery could lead to inconsistent results and potential difficulty for centres and awarding organisations in terms of appeals and other potential challenges
- several respondents said that qualifications may need to change to include a greater element of remote delivery if they are to continue as normal, and that this might become the 'new normal'. One respondent suggested that assessments for qualifications such as performing arts could successfully take place on video-calling platforms
- a teacher suggested that 1 way of supporting the normal delivery of qualifications would be to enable completion of internally assessed work during lockdown, and then to allow centres to submit special consideration requests for students who experience any problems that would be likely to affect outcomes, for example issues with technology, health or mental health, or bereavement
- a representative body suggested that where awarding organisations decide to deliver their qualifications as normal, centres should have a right to appeal against that decision if they think purpose of the qualification (such as progression) can no longer be met
- one awarding organisation felt that there should be a definitive position from us on expectations here, otherwise approaches might be inconsistent, and some learners may feel penalised, either from being required to carry on, or from not having the opportunity to continue. A centre and a representative body were concerned that having some qualifications under some awarding organisations continuing 'as normal' whilst others did not, would promote confusion and lack of parity in public perception

Of those who expressed concerns about the proposal, these appeared to be centred particularly around 2 issues; feasibility and fairness. Some respondents suggested the reliability and validity of qualifications are potentially at risk if the conditions under which candidates sit assessments vary, as the likelihood of assessments suffering from construct irrelevance variance would increase.

Many respondents raised issues around feasibility:

- a number of respondents made the point that there is no such thing as 'normal' now, and that it would be unlikely to return for some time, if at all, so it would not be feasible to expect qualifications to be delivered normally. A centre commented that centres currently will be dealing with a wide range of varying issues, meaning a one-size approach will not fit all
- several teachers and a centre raised concerns over possible risks to learner and teacher safety under attempts to continue as normal. An

awarding organisation commented that there should be safeguards in place to prevent unreasonable expectations which might put students, teachers and deliverers at risk. Another awarding organisation questioned whether continuing as normal might go against public safety measures

- one centre stated that they didn't believe any centre would have the ability to deliver their qualification as normal; they thought that even if distance learning could be adopted, they still would not be able to cover the required guided learning hours. A teacher commented that they feel remote learning is slower and more unreliable than face-to-face learning, and that this would hamper preparation for learners

- a teacher commented that it might be difficult in practice to prevent malpractice, collusion between students or students getting outside help during assessments. A student thought that tests taken at home should not be used as evidence for grades as these are easier to cheat in. An awarding organisation also commented that all assessment completed during this time should be treated by the centre with some caution if being used to inform centre assessment grades

- one centre questioned whether awarding organisations would be able to deliver all aspects of their qualifications as normal, if they have, for example furloughed staff who might undertake standards verification activities

- several respondents expressed concern at to whether moderation and verification activities could be undertaken as normal even if the qualification itself could be delivered

- several respondents pointed out that the extent to which continuing as normal would be feasible would depend on the nature of the qualification, with the approach less likely to be feasible for those needing practical instruction and undertaking practical assessments under lockdown. It was also noted that for some occupational qualifications, industries may have introduced new requirements in response to lockdown, which might impact on the potential to conduct assessment

- it was noted by several centres that to continue as normal now would be challenging bearing in mind the teaching time lost between lockdown and any decision. An awarding organisation and some other respondents suggested that specific clarification on whether learners are still allowed to continue work to complete their qualifications should be given as soon as possible

- several providers and teachers commented on offender learning, pointing out that due to restrictions such learners might not be able to access alternative delivery methods, such as online platforms, put in place to allow qualifications to continue as normal

Another common concern expressed by a large number of respondents (including centres and many teaching and centre-based staff), was that attempts to continue as normal would increase unfairness and inequality, with learners already disadvantaged being at particular risk of suffering further impact from the proposal:

- an awarding organisation said that they were concerned that continuing to award qualifications, as normal, might particularly impact learners with access arrangements, or, as a more general point, learners who may not

be in a position to access qualifications for a variety of reasons. They suggested that, "equality of opportunity, consistency of approach and fairness for all learners must be the overarching principles for the delivery of qualifications during this challenging period for all."

- many respondents argued that learners who were sick, bereaved, carers, stressed, lacked access to physical resources or technology, wi-fi or tech skills, SEN support, EAL support, lacked study space or effective wi-fi, had lost jobs or had less supportive families would be disadvantaged or unable to continue at all. Respondents also highlighted the impact on learners who might struggle more without direct teacher support

- respondents commented that learners relying on centres in deprived areas with greater challenges in reaching and supporting all their learners, would be at a disadvantage compared to those in better-resourced areas

- a centre pointed out that to ask any impacted learners, but especially those facing particular challenges or issues, to complete assessments at potentially short notice now would not be in their best interests while others noted that varying levels of access, resources and support meant that it would be challenging to ensure equity of opportunity

- several teachers commented that welfare concerns and the mental health of candidates needed need to be paramount in decisions about continuing as normal and the timing of assessments. Many respondents noted the pressure that continuing qualifications might add for students, and also for centres and awarding organisations

- two centres stressed the importance of avoiding blanket approaches. One indicated that this proposal could have a particular impact on learners with SEND, and those from other protected or vulnerable groups, and this would need to be taken into account with awarding organisations required to make specific consideration of, and reference to, these groups within any alternative delivery or assessment approaches implemented. Another centre called for flexibility in delivery

Several centres, teachers and students raised concerns that as well as learners differing in their ability to access learning and undertake assessments for the reasons described above, they would also be affected by differences in the extent to which their centre was able to support them:

- several respondents suggested that all assessments should only measure learning up to the same cut off point to account for centres taking different approaches subsequently

- a number of respondents pointed out that within individual centres, learners whose teachers had poorer IT skills or less experience of delivering remote teaching or who were themselves ill, carers, etc. would be at a disadvantage compared to those whose teachers could offer better support. Some teachers and students commented that assessments and work submitted would not be an accurate representation of the ability of students in the absence of the support and tuition they would normally have access to, and that it would not be reasonable to expect students to continue as 'normal' without this. It was questioned how awarding organisations would be able take into account such variances in support

- a centre commented that they were concerned that awarding organisations might not consider fully the difficulties self-isolating teachers would face in collating and sending off students' work to awarding organisations

Finally, an awarding organisation queried why, as the existing regulatory framework requires awarding organisations to deliver in accordance with their Conditions of Recognition, explicit permission was needed in these circumstances.

5.4   Categories of qualifications

Question 6: To what extent do you agree or disagree with our proposed approaches for the different categories of qualifications?
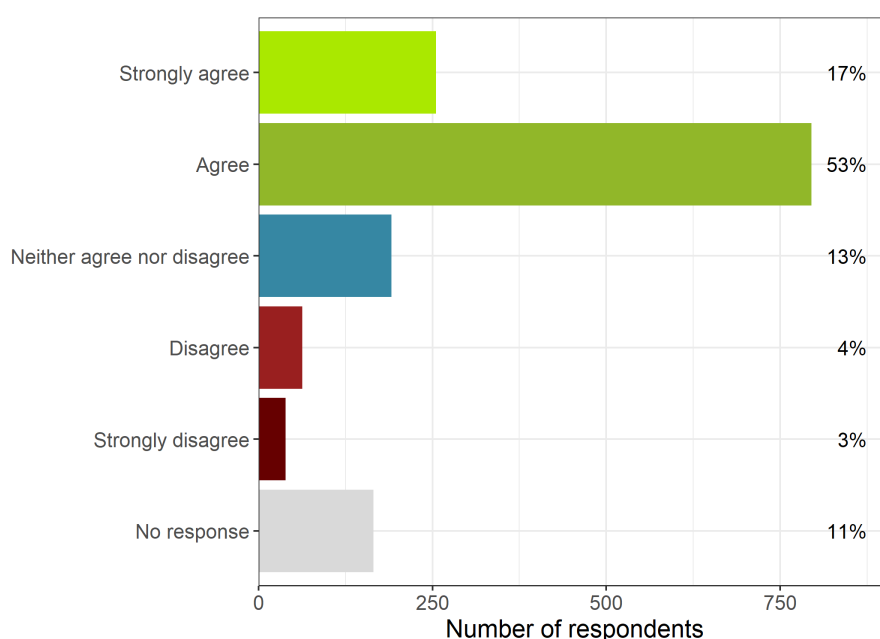

Figure 6: responses to question 6

Seventy per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approaches for the different categories of qualifications, compared to 7% who disagreed or strongly disagreed.

A total of 1,343 responses were received to this question and 302 respondents provided comments.

The majority of respondents (including 21 of the 24 awarding organisations who commented) provided comments in support of the proposed approaches or at least some aspects. There was much agreement that a one-size-fits-all approach will not work and that the distinction between qualifications needed for occupational competence and progression to further or higher education appear sensible. A government body acknowledged that the proposed approaches were "undesirable but justifiable and pragmatic" in the current situation.

Amongst those who agreed, a university – as a receiving organisation – strongly agreed that where qualifications are used for progression to further/higher education or have a clear mixed purpose, the priority should be to provide learners with a

reliable calculated grade wherever this is practicable and that the principle should be for as many learners as possible to receive grades within a normal timescale.

Some respondents agreed with the overall theory of having different categories of qualifications with different approaches, but wanted more clarity on the detail. Several awarding organisations, training providers, centres and teachers requested further information on how to both identify and deal with the different categories. An awarding organisation commented that there would inevitably be some qualifications that were difficult to fit clearly within 1 of the 3 categories and those qualifications that spanned categories 2 and 3 might be a problem. Another awarding organisation noted that because of the complexity of the vocational qualifications landscape, including the range of assessment methods that can be used, there is the potential that the mitigating assessment approaches chosen by awarding organisations (estimate/calculate, adapt, delay) may not directly align to the qualification categories.

A number of respondents disagreed with the rationales for the 3 categories.

- two centres and a university questioned the rationale for the 3 categories, arguing that the purpose of a qualification depends on the end user, noting that qualifications are not always used as they were intended, even by the individual taking the qualification. However, a government body stated that it would not be feasible, or fair, to try to take account of the progression intentions of individual learners

- an awarding organisation commented that qualifications had already been assigned to different qualification types in an exercise in August 2018 and that any categorisation now should reflect the categories that applied then. They thought that using a different approach here might only serve to undermine any previous approach and raise the potential that an awarding organisation might be non-compliant through no fault of their own

- another awarding organisation felt that the categorisation could have considered other factors that might make qualifications suitable for 1 approach or another, such as the way the assessment is delivered (for example, online or paper) and the way in which progression might take place (such as considering the differences between further or higher education admissions and apprenticeship gateways)

- a centre commented that there was significant overlap between the 3 categories, so that one qualification could fall under all 3 categories, let alone 2, creating a lack of clarity which could lead to inconsistency

- a teacher commented that there should just be 2 categories, 1 for progression to further and higher education and 1 for employment/apprenticeship, and that the third category was unnecessary, as all qualifications fell into 1 of these 2 categories, with classroom-based qualifications usually falling into the former category

- several respondents pointed out that qualifications signalling occupational competence are also often used for progression so categorisation should take care to ensure that learners who need their qualification results for progression purposes are not penalised by the proposed categorisation

In relation to this last point, a number of other points were made relating to the category relating to qualification that signal occupational competence:

- a representative body noted that qualifications that signal occupational competence will incorporate a wide range of qualification types
- four awarding organisations and a representative body requested clarity on what constitutes a 'license to practise' qualification. It was questioned whether this would be limited to qualifications that lead to becoming 'certified' or applying for an operational licence, or whether it would also include qualifications that can be used to obtain membership of an organisation to operate as a registered member. It was felt that this could be an important distinction where particular qualifications are an accepted benchmark to enter a profession where there is no licence to practise
- another respondent questioned whether 'stepping-stone' qualifications, that might lead onto entry to a licence to practise qualification should be included in the third qualification group

Several comments were also received about the category reflecting qualifications with mixed purpose:

- several respondents, including 2 centres, wanted to know which approach would be used for specific qualifications, for example whether students taking level 2 vocational qualifications with a mixed purpose could be prevented from progressing onto level 3 if assessments are delayed
- a college leader wanted to know whether, where multiple awarding organisations deliver the same qualification and it had been identified that the qualification could have a mixed purpose, they would be required to standardise their approach to assessment or grading to maintain consistency across industry

A few respondents commented on other specific groups of qualifications:

- a centre commented that international versions of qualifications should be treated the same as the UK version for consistency, suggesting that BTECs should be calculated as per GCSEs and A Levels and that this should also apply to international BTECs as this is otherwise unfair
- two centres queried if ESOL qualifications would be included as it would be unfair to leave them out. Another centre suggested that ESOL qualifications should be treated like Functional Skills and GCSEs as learners rely on their results to enable them to progress in their studies and in work as well as for participation in their local community and their children's education
- a college wanted further information on the categorisation of the Progression to Further Learning and Work suite of qualifications they delivered and suggested that they should be calculated on the basis that SEND learners are least likely to be able to cope with adaptation and the changes involved

Several respondents commented on the risks of awarding organisations making different decisions and implementing the guidance differently, thus disadvantaging some learners taking those qualifications:

- four respondents expressed concerns that awarding organisations might make decisions on categorisation that are influenced by the costs of

awarding and delivery, rather than what was most appropriate for the qualification

- an awarding organisation commented that while they agreed with categorising qualifications, they were concerned about the different approaches awarding organisation to undertake categorisation. They suggested that we should provide rules related to the features within qualifications in each category, otherwise there was a danger of unfairness – whether real or perceived – which might risk challenges being made about decisions which would be difficult to defend

- a centre was also concerned that awarding organisations might interpret and implement our proposals differently, leading to potential solutions not being implemented consistently. Another centre was concerned that allowing awarding organisations flexibility in how to treat qualifications could mean that similar qualifications were treated differently, and argued they must be treated the same to ensure industry confidence in the outcomes

- one respondent suggested that there might be a particular risk within the mixed purpose category that varying approaches could be taken and that we should consider developing particular principles to underpin this category of qualification potentially in relation to specific sectors, to remove this risk

Several respondents commented that they would prefer all, or some groups of, qualifications to be treated the same, for reasons of fairness and consistency:

- a number of respondents commented that they would prefer all qualifications to be calculated, including qualifications signalling occupational competence. Two respondents noted that there should be sufficient evidence for calculating grades in practical subjects

- a teacher commented that it was important that all awarding organisations approach the situation in the same manner, as it would be unfair if 1 awarding organisation was seen to be offering more flexibility than another

- another teacher commented that it was very difficult for vocational and technical qualification learners to appreciate why these qualifications are being treated differently to A level and GCSE qualifications. Another teacher said that there shouldn't be a perception that those studying a particular qualification had had it easier

- two teachers stated they would prefer all qualifications at the same level to be treated the same

- a teacher commented that they thought that, for consistency, all qualifications within the same industry should be treated the same, for example all hairdressing qualifications, regardless of awarding organisation

- an awarding organisation commented that they were risks of undermining integrity if assessments are changed significantly to meet new requirements. They were also concerned that there is a starkly different message being given about qualifications signifying occupational competence compared to those used for progression to further or higher education – suggesting principles might be based on volume and logistics, rather than assessment-based principles, therefore impacting on validity

However, a number of respondents agreed that the approaches for qualifications serving a mixed purpose should remain flexible to allow awarding organisations to provide the most appropriate approach. An awarding organisation also welcomed our proposal that a qualification may include elements of both calculation and adaptations for mixed purpose qualifications.

Some respondents agreed with the proposals but commented on the timing of the decisions about categorisation:

- two centres commented that it would be helpful if all information on how the qualifications covered by the consultation would be treated was released by awarding organisations at the same time, as learners were currently getting piecemeal information, which was confusing, especially for learners studying a variety of programmes
- five respondents, including 3 centres said that clarification over the approaches was needed as soon as possible. One centre said that in order to adequately prepare and support students for working over the summer, they would need to know about any delayed qualifications as soon as possible. Another centre said that proposed timings should allow institutions sufficient time to work through the calculated grading process as well as organise how practical assessments are completed, where required
- an awarding organisation commented that delays to clarifying approaches had already caused unnecessary work for awarding organisations, and meant that they might need to revise advice to centres which might disadvantage learners

Many comments were also received about the proposed approaches within each category including the detail of their implementation; namely calculation, adaptation and delay. The majority of these comments were provided such that they were included instead in our analysis of responses undertaken for the 'technical approaches' questions of the consultation.

5.5   Technical Approaches: Provision of calculated results to learners

Question 7: To what extent do you agree or disagree with the aims of our proposed approach to calculating results?

Question 8: To what extent do you agree or disagree with our proposal that the minimum evidential threshold is that any approach to providing calculated results needs to be based upon at least one source of reasonably trusted evidence along with a sufficiently robust basis for quality assurance?

Question 9: Do you have any comments on the approach to providing learners with calculated results?

Questions 7, 8 and 9 of the consultation related to our proposed approach to the calculation of results, and requirements of a minimum evidence threshold which should include at least one source of trusted evidence along with a sufficiently robust basis for quality assurance.
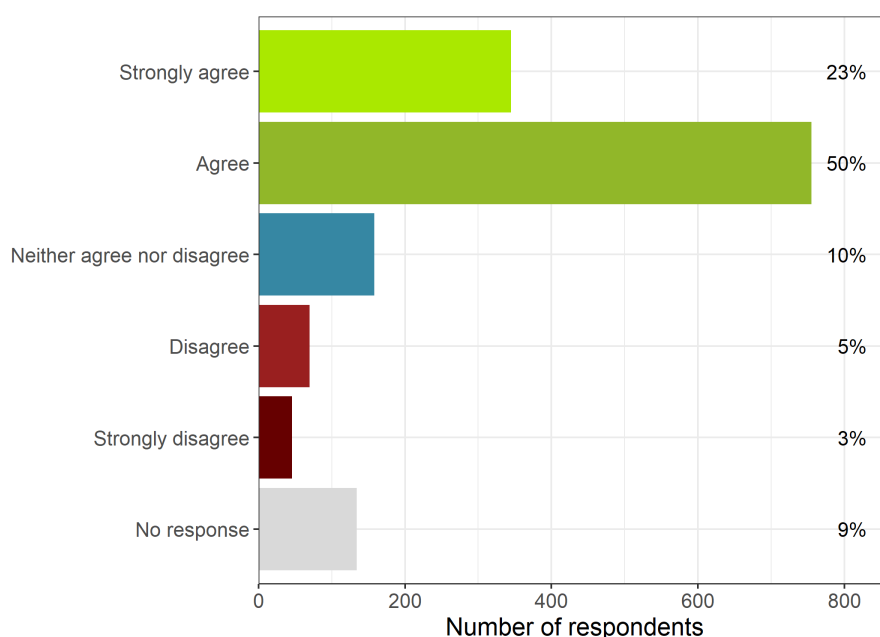
Figure 7: responses to question 7

Seventy-three per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approach to calculation, compared to 8% who disagreed or strongly disagreed.

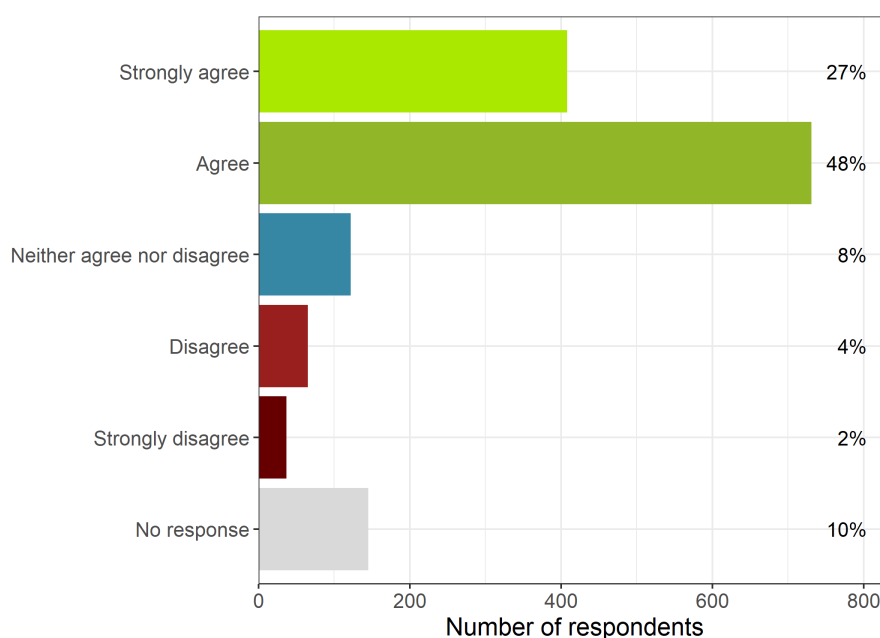A total of 1,374 responses were received to question 7, and 418 respondents provided comments.

Figure 8: responses to question 8

75% of all respondents to the consultation either agreed or strongly agreed with our proposal relating to the minimum evidential threshold when calculating results, compared to 6% who disagreed or strongly disagreed.

A total of 1,363 responses were received to question 8 and 409 respondents provided comments.

Question 9 provided respondents with an opportunity to provide further comments on our proposals for calculating results, with 678 respondents doing so.

Whilst the majority of respondents were agreeable to our proposed approaches for calculating results and the requirement for a minimum evidential threshold, commenting that they believed this was a fair and effective approach, some respondents requested further information regarding specific topics. There was significant overlap in the topics commented on by those who agreed and disagreed with our methods, therefore no distinction is made with that regard in the following points.

It should also be noted that many comments appeared to be specific to the respondents' own circumstances or qualifications. Therefore, a large number of comments did not consider the wider approach to calculating results for the range and variety of vocational and technical qualifications that exist.

General comments on calculation of results

Both students and teachers emphasised how courses with a substantial practical element or those which lead to occupational competence would not be appropriate to receive a calculated grade and should look to either adapt or delay their assessments.

A number of comments also highlighted concerns for particular groups of candidates, which respondents felt should be given some special consideration. In particular, special education centres such as pupil referral units, centres specialising in SEND, and prison education centres were mentioned. Respondents highlighted evidence for calculation of results from these centres may be less reliable and scarce. They suggested that factors affecting this could include:

- the variability of different cohort abilities leading to fluctuating results year on year
- the reliability of earlier/ banked work which may be lower quality than a candidate's current capabilities, as learners develop knowledge and skills at a slower pace
- roll-on/ roll-off courses leading to atypical cohort characteristics and limited data on prior attainment

Many comments from centres, teachers and awarding organisations requested that further communications and guidance be given in relation to the final approaches to calculation. In particular, some said that clear communication should be provided publicly to ensure widespread understanding of the final methods proposed for calculating results. Some suggested that as well as increasing public confidence in our proposals, they anticipated that this clear communication would also benefit the likelihood of ineffective appeals.

In addition to this, the following points were also raised:

- it was noted that some respondents were confused on the status of work which has been submitted post-lockdown and whether this can and should be used as evidence for candidate performance
- many teachers and centres commented their preference for teacher judgments as the main, most trusted – and in some cases only – source of evidence to base calculated results on
- one awarding organisation stated the difficulty they would have in conducting a robust equality impact assessment, as they do not collect socio-economic data on candidates. They requested that Ofqual provide some guidance in this situation as to how best to proceed
- one awarding organisation commented on the additional burden that would be placed upon them and other stakeholders if they were required to calculate results for all units for all candidates, including those which weren't intended to be sat in this exam series. This is linked to a number of other comments from teachers and senior centre staff asking for clarification on whether the final calculated results will be for the entire qualification or the individual units. Respondents gave mixed views over which method was preferred

With regards to the communication of calculated results, a variety of awarding organisations, centres, teachers and representative groups requested more detail on the processes for quality assuring calculated results. Some respondents said that in some instances before sharing calculated results with candidates, centres should be able to accept or appeal the results in the first instance and that only when centres have accepted all results should they be shared with candidates. It was suggested that this may have the benefit of providing greater confidence that calculated results fairly reflect a candidates' ability. Centres also highlighted a preference to keep centre assessments, and communications made between teachers, confidential, to safeguard teaching staff and centres from personally directed grievances.

Comments relating to sources of evidence

Whilst most comments were agreeable to our proposed approach for calculating results, some respondents' comments related to which sources of evidence would be most appropriate to use for their qualification, and the weighting of different types of evidence. Most of these comments also shared the view that the approach to calculating results for vocational and technical qualifications should be similar to that of general qualifications.

Some teachers expressed the view that adjustment of centre assessed grades on the basis of historical performance, for quality assurance purposes, may not be possible for centres in the following situations:

- centres which are new providers and therefore have no/limited historical performance to compare to
- centres which have small cohorts
- and centres where historical cohort performance is highly variable

The teachers commenting with this view suggested that, in these instances, centre assessed grades should be given an overriding precedence.

Some teachers requested further information regarding the weighting of different sources of evidence in the final calculation of results. Specifically, comments related to the balance of internal assessment and external assessment, as well as some requests that consideration be given to centres' previous history in relation to findings from external moderation of internally assessed components. Several comments we received appeared to reflect variations of assessment in different qualifications.

Some teachers responding to our proposal that each awarding organisation should devise their own approach to calculation commented that variations between awarding organisations may lead to inconsistencies in awarding candidates' results and unfair advantages for students depending on which awarding organisation they are with. Some of these respondents also suggested that a blanket approach to calculation should be used for all qualifications and awarding organisation.

Comments from many teachers, centres and awarding organisations also emphasised the potential extra burden that teachers and centres may experience when collecting and collating evidence for centre assessed grades. Some respondents requested that awarding organisations consider this when developing their approaches to calculation.

Many students and teachers also raised concerns relating to the status of learners currently in the first year of a qualification and the impact not receiving a result in ongoing modules would have on the remainder of their course.

Additional topics mentioned in the consultation responses received related to the use of rank ordering when quality assuring calculated results. These included:

- the extent to which functional skills or other pass/fail courses can include a rank order
- requests for clarity regarding rank ordering in larger, multi-site centres (such as multi-academy trusts). If multi-academies were required to submit 1 rank order, it may disadvantage some high performing learners in smaller centres, as well as being more burdensome on the centres
- concerns regarding intra-centre variations in the process of producing centre assessed grades. Further guidance was requested from teachers and senior centre staff, to provide a more consistent approach to evidencing candidates work and rank ordering candidates when appropriate

Comments specifically on the minimum evidence threshold

There was agreement from the majority of respondents regarding our proposal for a minimum evidence threshold. Suggestions for changes to this proposal, made by commenters who agreed and disagreed, can be divided into 4 main categories, as stated below:

- comments suggested by students, teachers and some awarding organisations to increase the minimum threshold from 1 source of trusted evidence to at least 2 or more. It was noted that the intention for this is to increase the validity of calculated results

- many requests for a list of acceptable and valid sources of evidence to be published. Also, for this list to be agreed upon by all awarding organisations to ensure candidates undertaking certain qualifications aren't systematically advantaged or disadvantaged
- some comments from teachers and centres were linked to the potential inability to provide a trusted source of evidence for candidates in certain situations, such as private candidates and SEND candidates. It was suggested this is due to the style of teaching used for these candidates and the possibility that they may have been waiting to complete all formal assessments at the end of their course, rather than throughout
- some centres and teachers were also concerned for the practicality of quality assuring the evidence provided. More specifically, if it would be possible given social distancing, the current lockdown and most centres being shut to gain access to candidate's evidence

5.6 Technical Approaches: Provision of adapted assessments to learners

Question 10: To what extent do you agree or disagree with our proposed approach to the adaptation of assessments?
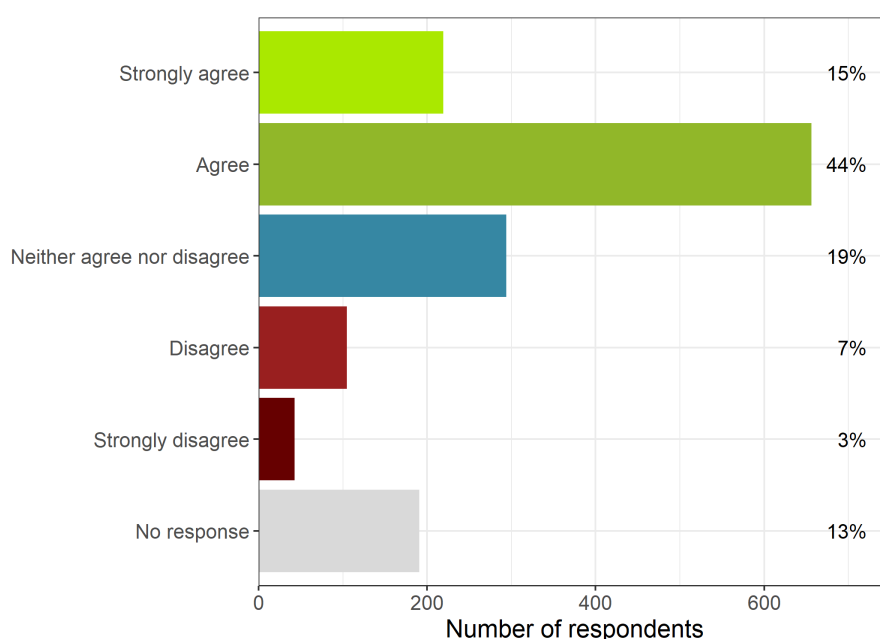
Figure 9: responses to question 10

Fifty-nine per cent of all respondents to the consultation either agreed or strongly agreed with our approach to adaptation, compared to 10% who disagreed or strongly disagreed.

A total of 1,317 responses were received to this question and 407 respondents provided comments.

Overall, the majority of comments were from respondents who agreed with our proposed methods. Some commenters noted that adaptations made to assessments

now may have a lasting benefit for the industry in terms of offering flexible assessment opportunities for learners.

However, some concerns were commonly noted by respondents regardless of their level of agreement to our proposals. The concerns relating to adaptation can be divided into 8 categories:

- one category relates to concerns surrounding accessibility to equipment required for completing the adapted assessments. Specifically, certain candidates, such as those from lower socio-economic backgrounds, may not have the necessary computer or digital equipment required for adapted assessments. Additionally, some candidates may not have suitable environments in which to undertake adapted assessments in their home. A variety of respondents raised these concerns and highlighted students in this situation may be disadvantaged compared to their peers

- additional concerns relating to candidate familiarity with adapted testing platforms were also noted; this was raised by training providers in official and personal responses, teachers who responded in a personal capacity, and senior centre staff. This concern relates to candidates being unfamiliar with the format required for the adapted assessment. Respondents were concerned this may result in artificially lower candidate performance. Some responders went further, and mentioned this may impact upon candidate's well-being, potentially causing additional anxiety around assessments

- further concerns, mainly raised by teachers, unions and different education/assessment centres, were noted regarding the need for consideration of candidates with special educational needs and disabilities. Specifically, to ensure adapted assessments are in an accessible format for these candidates, making use of appropriate arrangements where needed. One union suggested working with advocates and sector professionals to overcome any potential issues and ensure SEND candidates are not disadvantaged

- some teachers and centre representatives highlighted the potential difficulty of conducting and invigilating adapted assessments in secure facilities such as prisons. Specific barriers include prisoners who share cells and therefore may not be able to conduct assessments in controlled environments, and security issues relating to the restriction of IT equipment on sites

- additional concerns raised related to the effectiveness and comparability of results gained through adapted assessments in comparison to previous cohorts. It was suggested by commenters that additional oversight of awarding should be made to ensure standards remain comparable. Also, with specific regard to occupational competence, adapted assessments should ensure the same level of confidence in a candidate's ability can be derived

- concern for candidate's well-being was raised by teachers responding in a personal capacity and some parents of candidates. This was with specific regard to how prepared candidates will be for adapted assessments given that teaching has been disrupted since lockdown began, and that candidates have been told assessments were cancelled

- a number of centres commented on the additional burden this may place on centres and teaching staff. One commenter in particular noted the possible impact on large centres, where a variety of qualifications are offered from a variety of awarding organisations, and the extra burden this would place if they were to all introduce slightly different adaptions. This is linked to a number of comments made by some regarding the desire for a unified approach to adaption across awarding organisations
- the final category of comments relates to timeframes. Some respondents, mainly centres and teaching staff, encouraged decisions to be made as quickly as possible, to give candidates and teaching staff time to prepare

An additional comment outside of these topics was made by 1 union in relation to expectations of teachers. Specifically that staff employed under the provision School Teachers' Pay and Conditions Document should not be required to undertake any form of invigilation.

5.7 Technical Approaches: Delaying assessments

Question 11: To what extent do you agree or disagree that delaying or re-scheduling assessments should be the option of last resort?
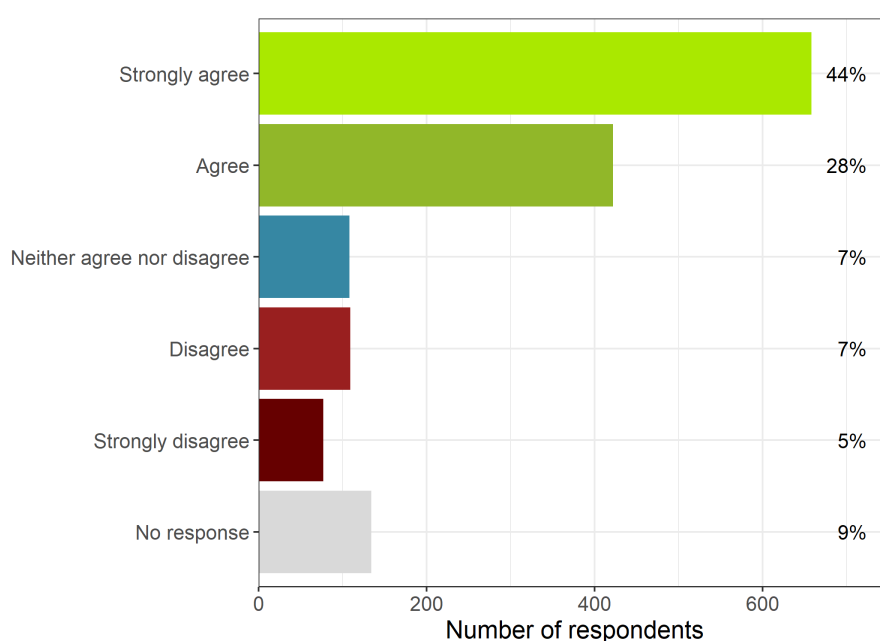

Figure 10: responses to question 11

Seventy-two percent of all respondents to the consultation either agreed or strongly agreed with our proposals that delaying or re-scheduling assessments should be the option of last resort, compared to 12% who disagreed or strongly disagreed.

A total of 1,374 responses were received to this question and 491 respondents provided comments.

Two key themes emerged in response to this question. These were that: delay to assessing learners might impact on their potential to progress in line with others who have received results, and; centres, learners and awarding organisations might face pressure, logistical challenges and additional burden from delivering assessments in the autumn.

The largest number of comments to this consultation question covered the topic of impact on learners' progression. Those who agreed or strongly agreed made many similar comments to those who disagreed or strongly disagreed. Respondents who strongly agreed or agreed tended to approach their responses from the perspective that delay or re-scheduling must only be the last resort. Those who strongly disagreed or disagreed tended to start from the perspective that delay should not be considered as an option at all.

A large cross-section of respondents all suggested that to delay qualifications would potentially disadvantage learners requiring qualification achievement to progress to further or higher education, employment or to reach their apprenticeship gateway. Some respondents also highlighted the impact on those who might be progressing from 1 year of a qualification to another, as although they would be able to move to the next year of study, they might have to sit additional assessments and have more content to learn in a shorter period of time. A range of other issues and concerns were raised relating to this theme:

- several respondents said that delaying progression would potentially cause some learners to disengage with learning, particularly if their peers received results. A number of respondents suggested that learners needed to be treated fairly, especially in comparison to their GCSE and A level peers
- it was noted by some respondents that the notion of delay went against government's commitment to ensuring progress for learners
- a number of respondents said that learners needed to be able to move on, and not be held up by delayed assessments. A teacher suggested that it might be possible to include a requirement for those learners affected by delay to be offered conditional starting dates for courses or employment
- there were several concerns that delay might impact some students' access to funding for the next academic year. A representative body suggested that additional funding should be put in place for learners and centres to ensure that the right support is available to enable completion of qualifications

A large number of respondents, from across the spectrum of responses, provided comments relating to the challenges that will be faced by learners and centres:

- many respondents noted that learners, and their centres, will be dealing not only with assessments in the autumn but also a considerable gap in learning leading up to these assessments. A college representative commented that suitable time needs to be allowed to ensure that learners are still in a position to take their assessment, for example that they have retained specialist skills that they may not have been able to practice during lockdown
- several centres indicated that there will be particular challenges for qualifications that require groupwork, noting that the groups are not able to work together at present, and that on returning in September, some of the students may have moved onto different centres, which would impact further on preparation for delayed assessment. Other respondents noted that the logistical impact on centres, and learners, will vary depending on the type of assessment

- some respondents highlighted that centres will have to accommodate delayed learners alongside new cohorts, and this will create much additional pressure. Examples given include in technical programmes where there might be insufficient specialist equipment available for delayed learners and new learners to work alongside each other

- other respondents noted that delayed learners may be trying to complete their current qualifications and start new courses, which may have an impact on their performance in both qualifications, now and in the future

- several teachers and centres suggested that there may not be time to reschedule and deliver assessments in the new academic year. In line with this, many respondents noted that learners moving onto the second year of a course will be trying to catch up on lost learning, and that fitting in additional assessments may be challenging and place added stress on the learners

- many respondents also noted that some learners will be moving onto new educational settings, or out of education altogether, and this means access to relevant support might be limited. Others raised concern that some learners may forego achievement of their qualification entirely because of the challenges they will face in preparing for a delayed assessment

- a number of respondents commented that delaying or rescheduling assessments in the current climate is impractical, as there is no definitive answer as to when centres will have returned to any 'normal' ways of working

There were a number of suggestions provided by teachers and centres as to how some challenges could be managed. These included that:

- additional funding should be provided to deliver additional assessments in the autumn, particularly if they are large-scale assessments, and to cover for the potential that learners who are adversely impacted now may decide to not enrol for the next academic year

- that students taking practical courses should be allowed to restart their year without any further costs

- to ensure fairness, all students should have the opportunity of submitting work for assessment in September or October, and that students should be given the opportunity to request to have their internally assessed work seen by an external moderator

- awarding organisations should remove some content from their specifications for 2020-2021 assessments to reduce the burden on those students taking assessments in the autumn

- the start of the new academic year should be delayed, leaving the first few weeks of the year to be used exclusively for re-scheduled assessments

- where a qualification is used for progression, then qualification that students are progressing to could be adapted to allow students' capabilities to be assessed as part of that qualification

A large number of comments were received in relation to qualifications designed to demonstrate learners' competency in specific occupational areas. Similar comments again came from those who agree and those who disagreed with the proposals:

- it was suggested that the notion of delay being the option of last resort was not appropriate for all qualifications, and that it might be necessity for some. Some respondents accepted delay would be more appropriate, but that for such qualifications, they should be treated as priority for re-scheduling assessment. Suggestions for such qualifications included:
  - those that act as forms of licence to operate, that meet specific industry operational requirements or that have safety critical elements, for example health and safety
  - those qualifications assessed in the workplace, but where the workplaces are currently inaccessible to learners, employers and examiners, for example hairdressers
- a centre suggested that delay might be an appropriate option, rather than being seen as the last resort, where learners might be disadvantaged by being assessed in unfamiliar and potentially less rigorous ways

Some suggestions were made as to approaches that could be taken either to avoid delay or to accommodate for it. A teacher commented that a calculated grade could be awarded for competency-based assessments where students may already have achieved over 50% of their assessments, another suggested two-thirds as the threshold. A centre suggested that where assessments were delayed, awarding organisations should consider whether to change the required volume of assessments such as the number of observations required of students.

There were several other comments received in relation to actions that may be taken by awarding organisations. One teacher said learners might be disadvantaged if awarding organisations categorise qualifications into the group for occupational qualifications, prompting delay to assessment, when the qualification is also used for progress to further study. A representative body was concerned that awarding organisation decisions about which approach to take might be influenced by centres' current situations, for example if they currently have reduced capacity to deliver assessments or calculate grades.

We received a range of comments that noted specific groups of learners that might be impacted by a delay to assessment. These included learners currently in custody, adult learners returning to learning, learners in medical units, those with SEND or mental health issues, and those taking functional skills and ESOL qualifications.

Reflecting that we proposed adapted assessments are preferred to delay, 1 representative body said that the need to delay for certain learners would be reduced if suitable requirements are put in place to ensure disabled learners are not disadvantaged by adapted assessments. On a similar vein, an awarding organisation said that unless adaptation is equally accessible to all, delay must be the approach that is taken, and another representative body stated that delay may be preferable to adaptations made inappropriately, which would deny effective access to candidates – for example deaf learners.

Finally, a number of respondents stated that delaying or re-scheduling assessments should be viewed more as an option rather than as a last resort:

- several awarding organisations, a representative body and a teacher commented that labelling delay as a 'last resort' seems overly negative, especially if there is a clear and sensible rationale for doing so

- an awarding organisation commented that learners could be set up to fail in the long term, and that there will be skills gaps in the future, should learners move to the next level without proper assessment. In line with this, a teacher stated many students would prefer a delay so they can ensure they have the necessary skills and understanding rather than just receiving a certificate in the summer. Another teacher suggested that if a result was not necessary for progression with study the next academic year, then delay should be a strong option

- in agreement with this, an awarding organisation commented that delay is appropriate for qualifications such as entry level Skills for Life. An example provided noted that rushing learners through their entry levels could have an impact on language acquisition, disadvantaging learners in the long run. A teacher made similar comments in relation to Preparing for Adulthood pathways

5.8   Decision-making, record keeping and oversight

Question 12: To what extent do you agree or disagree with our proposals around decision-making and record keeping?
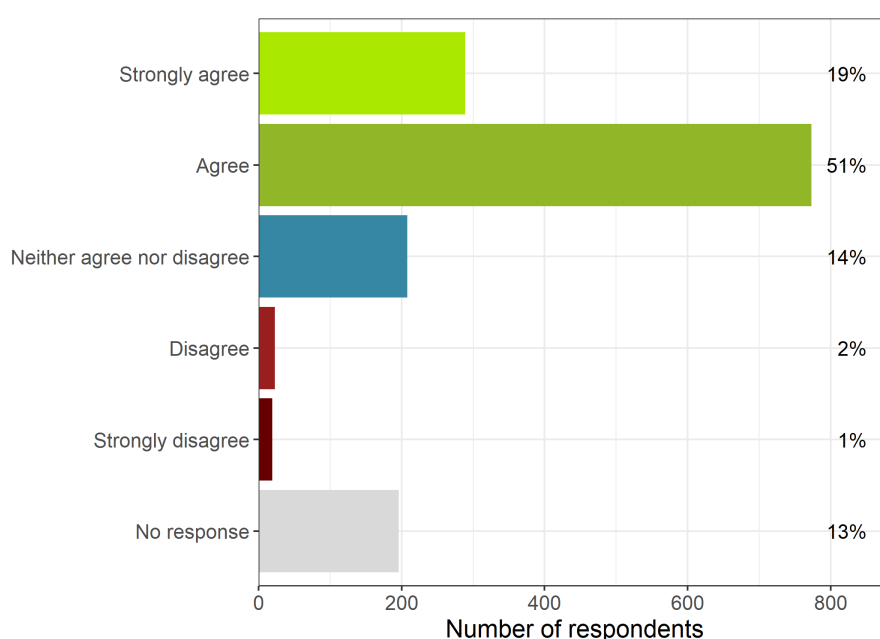

Figure 11: responses to question 12

Seventy per cent of all respondents to the consultation either agreed or strongly agreed with our proposals around decision making and record keeping, compared to 3% who disagreed or strongly disagreed.

A total of 1,312 responses were received to this question and 202 respondents provided comments.

The largest number of comments received emphasised the importance of transparency of decision-making and of good record keeping. Respondents in support noted the benefits of maintaining records including:

- helping to ensure results are reliable and valid across awarding organisations, and safeguarding fairness

- forming part of the way that awarding organisations, and others, can ensure learners receive the correct results

- helping give stakeholders the confidence that procedures are being followed and providing a way for awarding organisations to demonstrate this

- providing evidence that demonstrates decisions made, in order to support the appeals process, and particularly if a grade awarded is significantly different to the centre assessment grade provided

- ensuring consistency in decision-making and supporting transparency in unprecedented times

- helping ensure some level of consistency between this and future cohorts

- enabling increased oversight, where necessary, from the regulator

It was noted by several awarding organisations that robust record-keeping was not just for audit purposes, but that it was important as part of awarding organisations' processes and decisions, to ensure consistency of approach across their own qualifications, with regards both to qualification assessment approaches and individual results and certification.

There were a number of comments from awarding organisations that related to having a consistent approach to record-keeping across different awarding organisations. The comments below are a selection of those made by awarding organisations and others including representative bodies:

- consistency is required across awarding organisations, so templates should be provided/used where possible. This would also help awarding organisations remain compliant with Ofqual requirements and expectations

- the proposal to standardise record keeping is reasonable, provided the forms are not overly structured or specify too many fields

- the consistent storage of information may be a challenge where awarding organisations operate different systems

- having a prescriptive requirement for record keeping may not necessarily support information collection and analysis, as some data is likely to be qualitative, and will vary between qualifications and between awarding organisations

- awarding organisations should not have to 'retro-fit' into any particular form or template decisions already taken, as this would be an additional cost and burden

- procedures should be kept as simple as possible so that awarding organisations do not spend a significant amount of time developing procedures and evidencing decisions

- clearer guidance should be provided about what any records will be used for after this summer's assessment activity has concluded. Assurance should be provided by Ofqual that they will not be used for retrospective punitive judgements on awarding organisations' decisions made in these extraordinary times

One respondent suggested that, as well as awarding organisations having a uniform approach to recording information, it would be useful for there to be an agreed common format for centres to use. This would ensure transparency and reduce the

burden on teachers and institutions. Another respondent said that it would be important to ensure that awarding organisations do not seek to pass any associated burdens related to record keeping on to centre staff in a way that would generate excessive and unnecessary workload burdens.

There was a small number of comments regarding awarding organisations sharing their decisions and making available the information they retain:

- four respondents, including a representative body, commented that it would be important for awarding organisations to share their rationale for decisions with centres so they in turn can provide explanations to their stakeholders. Two other respondents both thought this was particularly important where awarding organisations say they are unable to award a qualification

- a representative body stated that record keeping is a significant component of any transparent process to ensure accountability. It was suggested that this will also be necessary under any GDPR subject access requests and could also be employed in any query, appeal or to rectify any error that may be identified in the checking and quality assurance processes

- another respondent noted that in order to retain confidentiality about the centre assessed judgments, or rank order information, it would be important to put measures in place that would prevent disclosure to parents or students via Subject Access Requests made to schools or awarding organisations

A number of respondents commented on our role in monitoring awarding organisations' decision-making:

- one respondent commented that it was sensible for us to adopt a risk-based approach with some vocational areas requiring greater scrutiny than others

- two others said that it was sensible for Ofqual to act as the arbiter to ensure fairness

- two more respondents suggested that there should be the same level of oversight as for GCSE and A Level

- one respondent said that we should monitor the decisions taken by awarding organisations before centres start to determine calculated grades

- another respondent questioned whether it was naïve to place so much trust in exam boards when we have previously had to take actions against them for breaches of regulations

- one respondent who strongly disagreed with our proposals around decision making and record keeping stated that we were more worried about accountability than ensuring the best options for learners are available in the first place

There were some specific requests for greater clarity or guidance:

- one respondent stated that we should define much more clearly what is meant by 'signalling occupational competence' to prevent dangerous decisions being made by awarding bodies

- an awarding organisation requested further guidance be provided on the type of evidence that should be collected and retained

- a representative body commented that there should be a degree of consistency in the timescale over which records are kept and therefore that we should propose a minimum time period for which relevant records should be retained
- one respondent said that more information should be provided about how awarding organisations will keep records about overturning centre decisions
- another respondent said there should be more guidance on how the monitoring of awarding organisations will work where awarding organisations operate in different jurisdictions. They asked how different regulators across the 4 nations will ensure consistency of approach when monitoring and challenging awarding organisations

Although this question related to awarding organisations, a number of respondents took the opportunity to comment upon the record-keeping of centres. Eight respondents commented on the importance of centres maintaining good records, including evidence of how they have arrived at their decisions. Two further respondents stated that it was particularly important for centres to maintain records in case of appeals. Another respondent noted that it is essential to provide transparency in circumstances when a centre, or an awarding organisation, feel there has been divergence from the previous profile of results. The evidence that will be required when a provider believes its grade profile has changed significantly will be important, making record-keeping crucial.

A number of responses focused on the approach awarding organisations should take to working with centres and the support they should provide:

- one respondent commented that awarding organisations should place the same degree of trust in centres as Ofqual is placing in them
- four respondents said that awarding organisations should adopt a risk-based approach to monitoring their centres based on previous experience
- two respondents requested that awarding organisations provide clear guidance to centres to support their decision making. One of the respondents emphasised that this needs to be 'free from jargon'
- two respondents talked about engagement with centres as part of decision-making; 1 suggesting centres should be given the opportunity to feed back to awarding organisations on their proposals prior to implementation and the other saying that awarding organisations should consult with providers where they intend to make adjustments to the grades submitted

Question 13: To what extent do you agree or disagree with our proposed approach to oversight of awarding organisations?
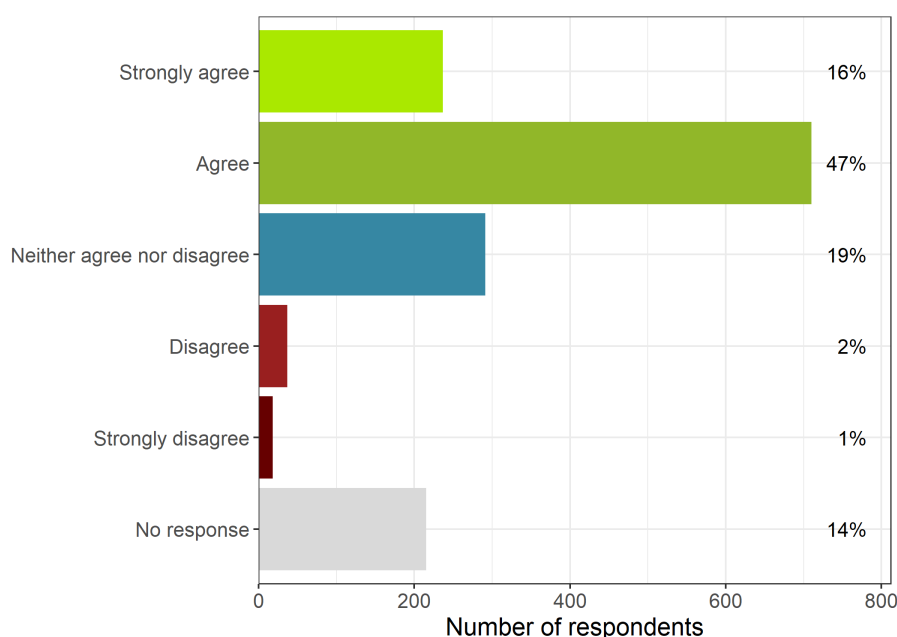
Figure 12: responses to question 13

Seventy-three per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approach to oversight of awarding organisations, compared to 4% who disagreed or strongly disagreed.

A total of 1,293 responses were received to this question and 200 respondents provided comments.

A significant number of detailed responses came from awarding organisations. There were some more technical issues that they raised which are included in the latter part of this analysis.

There were a number of general comments made in agreement with the overarching intention around oversight of awarding organisations. The following comments were made by respondents who either strongly agreed or agreed with the proposals:

- three teachers and a centre commented that our oversight is important in maintaining integrity and the same standards for all qualifications based on the principles of reliability and validity. Another centre said that consistency and proportionality should be at the core of our oversight to ensure awarding organisations apply the principles equitably across their provision
- a representative body indicated that they agreed with the proposed approach, as the public and learners need assurance that the 2020 awards are sound and as far as possible in line with those of previous years
- an awarding organisation commented that the principles behind the oversight arrangements strike an appropriate balance between trust and accountability
- a centre said it was important to ensure the principles guiding the oversight, and any guidance provided to awarding organisations, promotes a consistent approach so as not to disadvantage learners
- several respondents including teachers and centres said that it is necessary for awarding organisations to have some level of autonomy –

but that this should be overseen so that all students get equal opportunities regardless of awarding organisation

- another awarding organisation stated that whilst they have no problem in principle with being scrutinised and monitored, consideration must be given to the awarding organisation's rationale and experience in this area. A different awarding organisation stated that they agreed to Ofqual's approach subject to it being supportive and not overly burdensome on awarding organisations

- one centre agreed with the approach but were concerned that any intervention might have an adverse knock on effect on centres. Another centre asked how we will monitor awarding organisations to ensure that those who are found to have inflated their results do not disadvantage providers who have been honest in their calculated results

- an awarding organisation commented that deviation from an approach adopted by a number of other awarding organisations delivering the same or similar qualification, should be permitted based on justifiable evidence

- a centre agreed with the approach but suggested our oversight should also cover the decision-making process around how qualifications will be assessed in the first place

Comments were also received in disagreement with the proposed approach:

- nine respondents, including centres and teachers, felt that our approach was not sufficiently robust or precise, and did not go far enough to secure fairness and consistency. One centre said that we are allowing awarding organisations too much influence over matters that affect their own revenue streams. Several centres and teachers stated that our proposals provided the opportunity for awarding organisations to make decisions in their own favour. Two teacher respondents suggested that our approach would risk missing errors made by awarding organisations and another teacher suggested that we should have more involvement in the final awarding of grades

- conversely, 1 awarding organisation suggested that there should be limits to our intervention, as currently it appears 'overly regulatory' – saying that we should only intervene where an awarding organisation has taken an unreasonable decision. Another awarding organisation said our emphasis should be on oversight and shaping, rather than unnecessary or unhelpful intervention. A centre noted that the proposed approach looked slightly heavy handed and another centre indicated that the requirement to agree everything between Ofqual and awarding organisations is too complex and causing delay

- one awarding organisation stated that given the current climate, our oversight needed to avoid placing undue burden on awarding organisations, with a focus on providing sufficient guidance

- a teacher said that the proposals might risk preventing awarding organisations asking us for support relating to potential errors. The importance of cooperation between awarding organisations and the regulator, including proactively seeking regulatory support when needed, was highlighted by a university as well

A number of comments were received relating to our proposed risk-based approach. In general most respondents agreed with the notion of a risk-based approach, describing it as pragmatic and understandable in the current climate, as it allows flexibility to respond to the highest risks. One awarding organisation noted that if a risk-based approach was not adopted then the system would be very burdensome and may result in issues being missed, therefore disadvantaging learners or putting them at risk with regards, for example, health and safety or safeguarding.

However, 10 respondents (including 2 awarding organisations, 2 representative bodies and 4 centres) disagreed that that high-volume level 3 qualifications used for progression to higher education should be prioritised. Comments received included that:

- this risks undervaluing lower level qualifications, and that level 3 should not be seen as more important than other levels, because each qualification is equally important to individual learners, and other level qualifications enable progression to employment
- different qualifications could be treated inconsistently, which might be unfair on students
- the focus should be on particular approaches that might disadvantage certain groups of learners, for example learners with SEND, protected characteristics or other vulnerabilities, regardless of level
- qualifications that are required to work in an occupation should be prioritised, and so rigorous quality assurance of results for these qualifications is essential

Other comments received about the risk-based approach included that: the focus on should be on high volume level 3 qualifications at subject level not at level 3 overall; and it was right to closely monitor Functional Skills as it was the first year of new specifications.

Several respondents recommended that a sampling approach across awarding organisations and levels would be more appropriate, saying it would ensure consistency and equity. A representative body commented that broader sampling across all levels would support increased confidence in results from all stakeholders.

A number of awarding organisations said that they welcomed the assurance that we will be proportionate in our response when things go wrong and will give due recognition where awarding organisations have acted in good faith. Comments from this group included that:

- if we work with awarding organisations in a supportive manner it will help resolve issues quickly and effectively
- we should reassure awarding organisations that we will not adopt methods currently used in 'naming' organisations where they have defaulted
- that awarding organisations are being asked to operate in unprecedented ways and within a relatively permissive framework, which exposes them to risks including litigation. They suggested that our interpretation of the framework must not allow for criticisms where manageable, pragmatic solutions have been prioritised over more complex, resource-heavy solutions in the time available

- our recognition that "the crisis might increase the risk of malpractice or other misconduct" was welcomed. They expected that we should adjust our risk tolerance correspondingly
- that they would like to further underline the additional regulatory burden being placed on awarding organisations in these exceptional circumstances

There were a large number of comments about qualifications that are outside of the scope of the proposed extraordinary regulatory framework. Many of these comments were technical in nature, and related to the drafting of the framework itself, and so have been analysed later in this consultation. Several other issues were mentioned:

- that we should clarify how we will monitor out of scope qualifications during this time and whether we will take into account the current extraordinary circumstances
- that it would not be proportionate for awarding organisations to submit event notifications and notifications of non-compliance each time they need to consider their approach for 'out of scope' qualifications, but that that appears to be a logical conclusion of the current framework

A number of awarding organisations and a representative body requested clarification on our use of Technical Advice Notices. They wanted to know what the escalation process would be if there is not a satisfactory resolution to a Notice. They also asked whether Notices would be considered in the longer term as part of the risk-rating process for awarding organisations, whether they would be time-bound, and whether they would be published on the Ofqual website. A representative body noted that although awarding organisations are keen to act quickly on guidance, many will be under significant resourcing pressures to deliver calculated and adapted results and any timeframes that are applied to a Technical Advice Notice must be informed by this context.

Other requests to provide more information or clarity included:

- an awarding organisation stated they would welcome further guidance on what the terms 'informed by risk' and 'led by intelligence' mean in this context
- two awarding organisations said there should be more guidance exemplifying when event notifications may be expected, and when we will make interventions
- an awarding organisation stated it would be useful to have early sight of the details of the plans for the proactive and targeted monitoring work that we intend to conduct
- the same awarding organisation noted that the timing of any regulatory oversight activity will be particularly important to ensure it does not over-burden awarding organisations at a time when they are conducting essential work to issue calculated grades, dealing with requests from centres, and preparing for autumn assessment opportunities
- a representative body said that centres may be concerned about our use of the phrase 'when things go wrong' in that they may fear that they will bear responsibility if there are any issues, for example around the delivery of adapted assessments. They said that clear and unambiguous guidance/direction is required to protect centres from inadvertent acts of malpractice and maladministration. They also suggested that there should

be a published and agreed list of relevant 'trusted' evidence, for each qualification

- should reduce the number of incidences of things 'going wrong'
- a headteacher asked whether our methods of regulation would be made available in the public domain and whether there will be a review of this year's process carried out by an independent body

5.9 Assessment opportunity in autumn 2020

Question 14: To what extent do you agree or disagree with our proposed position on the delivery of an assessment opportunity to learners in autumn 2020?
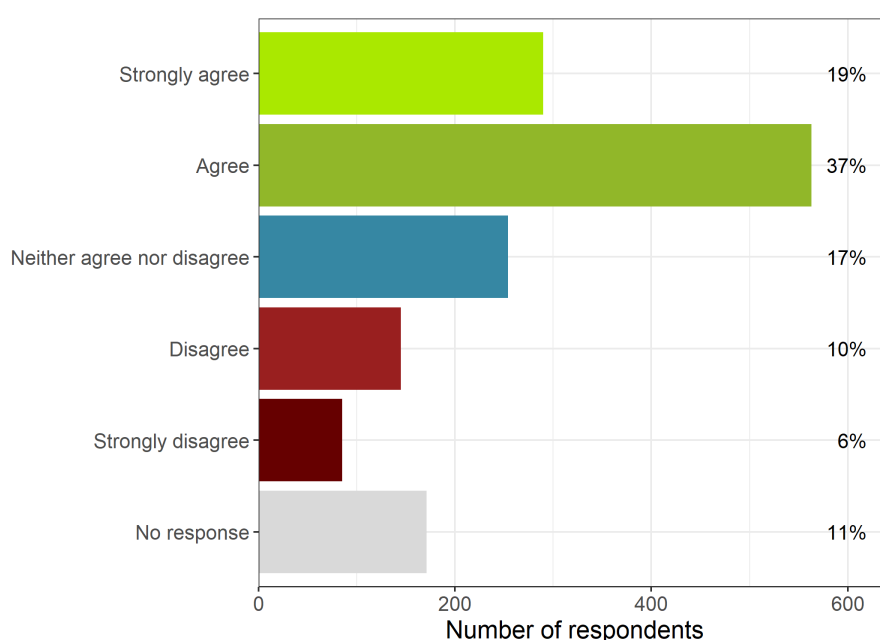

Figure 13: responses to question 14

Fifty-six per cent of all respondents to the consultation either agreed or strongly agreed with our proposed position on the delivery of an assessment opportunity to learners in autumn 2020, compared to 16% who disagreed or strongly disagreed.

A total of 1,337 responses were received to this question and 522 respondents provided comments.

Many respondents agreed with the proposals, with a significant number of these respondents saying that assessment in the autumn would be needed for learners who cannot be certificated in the summer, or who do not agree with the results awarded due to calculation. A number of respondents stated that many students want the opportunity to prove themselves in an exam series. Several respondents said that the proposed assessment in the autumn seemed the fairest way for students and seemed practical for awarding organisations and centres. Another welcomed the parity with what is proposed for GCSEs and A levels.

A number of respondents thought it was important to ensure that assessment opportunities are provided for all subjects at all levels, so there is equality of opportunity for all learners. While other respondents said that it was particularly

important to focus on the groups of learners identified in the consultation so that they are not further disadvantaged. A large number of the comments received, from those who agreed, disagreed or did neither, related to who the autumn assessment opportunity should be available to:

- one teacher suggested that the autumn assessment opportunity should only apply where learners are unhappy with their final grades, and not for learners who are part way through courses
- another teacher said that this should only apply to learners taking examinations, and not to internally assessed work, as this would not be feasible for teachers or learners
- several respondents, including a representative body, stated that assessment opportunities should be prioritised for those learners who have not been able to receive a result because the qualification they are undertaking requires a level of competency to be demonstrated
- a number of respondents noted that autumn assessments are essential for private candidates who are unable to obtain a calculated grade

A number of respondents commented about the potential uses of the autumn assessment opportunity:

- a centre stated that where re-sits are usually available in the autumn term, they should still be available to students but not classified as re-sits unless the student has previously sat the formal external assessment, as it may limit any opportunity to re-sit in the future
- several students commented that the autumn series should be an appeals process only
- a teacher stated that autumn assessments should provide the opportunity for learners to have an alternative grade, as opposed to acting as an appeals process. Another teacher stated that a learner achieving a lower grade in the autumn should not be penalised for trying to make improvements

Several respondents provided comment on whether awarding organisations should be required to provide assessments in all situations. One representative body agreed with the proposals, and said that they were reassured that the proposed framework specifies that Ofqual can, if needed, require that additional assessment opportunities are made available in the autumn term. They felt this provides an important safety net for providers and learners. Another respondent stated that awarding organisations should be compelled to offer all of the popular vocational qualifications.

Two awarding organisations stated that we should set out the criteria we will use to make a judgment on requiring an awarding organisation to offer assessments. They said it would not be reasonable for us to determine when assessments are offered, as an awarding organisation has greater knowledge of the feasibility of determining what can be offered. They also highlighted the need for transparency about our analysis of potential burden for any decisions taken around additional assessments. Similarly, an awarding organisation said whilst they agreed there should be an assessment opportunity, they thought we should be flexible as some awarding organisations have further assessment windows in either the autumn or winter as a

matter of course and to insist on an additional autumn window could prove burdensome.

Another awarding organisation also agreed, noting that for those progressing through some of their courses, it was more likely that their January assessment session would meet most learners' needs better than their autumn session. This was due to the particular design of their qualification, and they noted that with the diversity in qualification and assessment design in vocational and technical qualifications, it is difficult to provide a single answer. It was questioned that if the autumn assessment window was to be extended into winter whether the proposed framework's duration would also need to be extended.

There were a number of other comments made relating to the timing of autumn assessments:

- a headteacher said that when these qualifications take place will be key, as if there are changes to the grades it will impact on whether students can take up sixth form or university places
- a member of centre staff suggested that the first 6 weeks of the next academic year could be exclusively for re-scheduled assessments, with the start of the academic year delayed until after 31 October 2020
- a representative body commented that where qualifications are essential to progression, assessment opportunities should be made available as soon as possible in the autumn term
- an exams officer commented that autumn assessments should only take place from November at the earliest, to allow for proper administration and organisation from the start of term in September (assuming that centres return in September as normal)
- another member of centre staff suggested that assessments should take place in January as this will give time for learners to catch up on learning they will have missed
- several centres stated that an autumn assessment window would be too early for them. This was because they provided courses in hospitality and travel and tourism, and it is generally expected that these industries could be some of the last to return to anything approaching normal
- an awarding organisation commented that autumn assessment should be offered but learners should also be offered an option for joining with summer 2021 assessments instead. This would assist centres and many learners who will have missed a significant amount of learning and would like more time to prepare

Eight respondents noted concern about autumn assessments and entry to university. Some said that autumn assessment would need to be held early in the term to allow entry to university in autumn 2020, as some universities will not accept students if the results are out too late. Three respondents said that waiting until autumn would be too late and would impact on access to higher education. One said that consultation with relevant institutions will be vitally important to ensure students are not disadvantaged.

An awarding organisation commented that nobody can predict the circumstances in which we will all be operating in the autumn. They felt that the requirement to offer an assessment opportunity in autumn 2020 was potentially too big an assumption that it will be 'business as usual' by then.

The largest number of comments received to our question related to the challenges that will be faced by learners, centres and awarding organisations in accessing and delivering an autumn assessment series.

With regards awarding organisation operations and burden there were concerns from across the respondents about:

- operational and financial feasibility of offering additional assessment opportunities, and how such factors should be balanced against providing suitable opportunities for learners
- risks to provision of results for a far greater number of candidates than for a normal autumn series, including challenges such as examiner availability, scheduling, and the production of assessment papers
- the feasibility of offering assessment methods such as practical assessment or portfolios of evidence which are normally compiled over an extended timeframe, and also the potential burden these forms of assessment would place on centres
- how this would apply to those qualifications that do not follow the traditional academic year
- what we mean in our proposals by 'sufficient demand' for assessment and what would be considered to be a 'disproportionate burden' on centres and awarding organisations
- how validity of the qualifications awarded in the summer will be maintained, and whether providing an autumn series may undermine the summer assessments
- the potential knock-on effects of additional costs experience by awarding organisations, and whether the effects will be particularly felt on qualifications with lower entry numbers which could potentially be lost
- another teacher stated that exam boards cannot run at a substantial loss. If exam boards are disadvantaged too much, smaller qualifications, many of which have already been axed, will disappear

For centres, the main concerns raised by all groups of respondents were:

- how to support students who have moved to another educational setting or into work
- whether colleges were to be expected to offer the additional assessments to those who had moved to them from schools, or whether those students would be expected to go back to their schools for their assessments. In relation to this, many respondents noted that it was unlikely they would have the capacity to provide teaching for the proposed assessments as well as teaching new cohorts
- whether centres will have the capacity to deliver assessments while at the same time continuing to teach other groups of students; pointing to staff,

resource and logistical issues, and additional administrative and financial requirements

- the amount of disruption additional assessments would create in relation to progress to be made by students starting or returning to courses in September 2020, especially as many centres will be trying to catch learners up on lost education from the academic year before

- the increased risks of 'losing' learners – those who should have completed in the summer but do not feel compelled to return to achieve their qualification

- how some assessments might be delivered if social distancing measures, and other restrictions, are still in place

- whether internal assessments, or coursework, are included in the proposals, and if so, how they might be delivered as in some cases they are completed over time, and in other cases require access to specialist equipment which will also be needed by other students for their studies. Some felt it would be impractical to offer non-exam type assessments in the autumn

- what might happen where some privately-run centres may not be able to offer autumn assessment because of financial issues driven by the lockdown

- whether continuing social distancing measures in centres might impact the ability to offer some forms of assessment, such as group performances

- whether centres will be provided with additional funding to deliver assessments in the autumn – as this will not have been budgeted for to the extent that may now be required – and also to provide additional classes or support to learners taking the assessments in the autumn

- whether centres will need to pay additional entry fees to awarding organisations for assessments, and who should pay these if a learner has moved, for example from school to college

- the implications our proposals might have on funding, particularly where learners wait to complete autumn assessments before enrolling with post-16 and post-18 providers, which could cause problems with budgets for further and higher education providers

Responses regarding impact on learners included:

- whether learners will be adequately prepared for an autumn assessment opportunity given the lack of contact time they would have received and might be able to receive if they have changed courses or institution. It was noted that the learning that will have taken place since the lockdown will have varied between learners, with a potentially greater impact felt by disadvantaged or vulnerable learners

- the extent to which students who have moved on will be distracted from their learning on their new course because of needing to prepare for assessment. It was also questioned how fair it was to expect such students to essentially be undertaking 2 or more qualifications at once, at different levels

- the extent to which 'mid-course' learners will be impacted by taking assessments in the autumn, when they are also potentially beginning to

undertake other continuing assessments, while also catching up on missed learning and trying to progress through the second year of their courses

- whether learners seeking autumn assessment will be able to access the relevant specific equipment they might need when there will also be other students 'on-course' who will need access
- what the impact will be on all students' mental health, but particularly those with protected characteristics or who are disadvantaged, or other vulnerable learners, in trying to cope with the additional burden of assessment in one academic year, and
- whether the needs of learners not accessing education through traditional academic years were suitably accounted for in our proposals, and how for example, on-demand assessment might be offered
- how students taking qualifications that require group work, either in preparation for or as part of assessment, might be able to do this if social distancing measures are in place
- whether students will be provided with additional funds to support additional learning or, for example, to fund foundation year fees if they do not get their desired grades due to the disruption

There were some suggestions put forward by respondents as to how some of the issues raised above might be mitigated:

- a centre proposed that assessment content be reduced for the autumn assessments
- a teacher suggested those learners who are part-way through courses should have a reduction in the number of units they have to complete
- another teacher suggested that autumn exams be limited to a choice of 1 paper per subject
- a different teacher recommended that grade boundaries should reflect the challenges facing learners

Some respondents made comments which related to the financial implications of the proposed autumn assessments.

5.10 Appeals

Question 15: To what extent do you agree or disagree with our proposed approach to appeals?
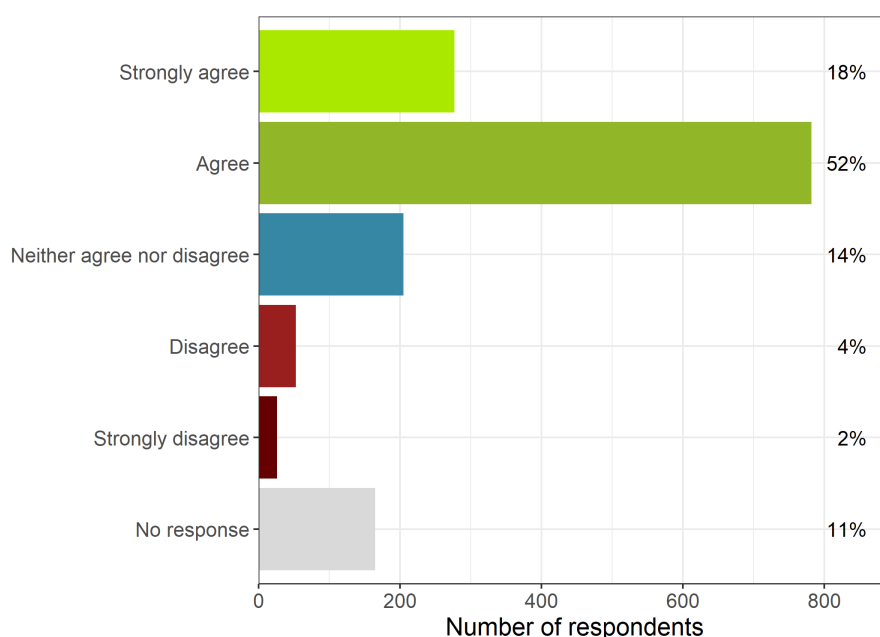
Figure 14: responses to question 15

Seventy per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approach to appeals, compared to 6% who disagreed or strongly disagreed.

A total of 1,343 responses were received to this question and 264 respondents provided comments.

Many respondents agreed that having an appeals process in place provides an additional level of assurance for the grades that a learner will receive and increases the integrity of the whole process of issuing results. Some respondents felt that allowing appeals on calculated grades will help to ensure that the grades are as accurate as they can be in the first place. It was also indicated by some respondents that they felt students should have every right to a full appeal in cases where there is something clearly wrong with a decision. A large number of respondents were supportive of appeals being provided free of charge to learners.

Many respondents agreed that the focus of appeals should only relate to process issues and not teacher judgements. Respondents noted that:

- appeals requiring scrutiny of individual judgements or the efficacy of evidence used would be undesirable and impractical
- the potential to appeal teacher judgements would set a dangerous precedent for students to begin to question their teachers' professionalism and expertise
- the impact of students (and/or their families) challenging the judgements of their teachers, who they might have to continue to engage with, would be a challenge for centres to manage
- potential conflicts of interest may arise if appeals at centre level involved staff who also provided initial grade decisions

A range of suggestions were made – across all respondents – relating to the appeals process. These included that:

- there should be a set approach to appeals to reduce confusion and make the process as fair as possible across different qualifications

- awarding organisations should make the final decision on whether an appeal will be allowed

- there should be a system in place to facilitate learner appeals on equality grounds

- where relevant, a candidate's individual circumstances should be included in any judgement made and used to inform the decision making

- that appeals should take the form of being given an early reassessment opportunity

- learners, rather than centres, should be tasked with providing the relevant evidence to support their appeal

- centres should be allowed to appeal whole cohort's grades if they felt the process had been applied incorrectly overall. It was also questioned whether a whole cohort in a centre might be able to appeal based on the outcome of a successful appeal from an individual in that cohort

Two respondents suggested setting up panels to oversee appeals. One felt that we should have a more active role in the appeals process, auditing the judgements that are submitted and providing an impartial involvement in appeals. The other favoured an impartial appeal panel as part of this process to ensure there is consistency in approach and to provide impartial decisions on individual cases. Several respondents said that we should undertake close monitoring of appeals to identify potential malpractice and spurious appeals.

Some comments were received specifically in relation to evidence used for centre assessment grades. These included that:

- centres must be able to appeal against awarding organisations who do not consider improving trajectories as evidence

- the appeals process should allow for the submission of additional evidence, such as mock exams or practical assessments

- candidates should be able to appeal about a failure to take note of specialist expertise in decision-making re assessments (for example, from Qualified Teachers of the Deaf from centres or specialist sensory support services)

- There should be the option to appeal where an awarding organisation has made an adjustment to a centre assessment grade and the centre feels there is sufficient evidence to justify the grade submitted

There were a number of responses that suggested that more information was required, particularly as there is potential for lining up with the process for appealing general qualification results but that that process was not yet confirmed. Several respondents said that more clarity is needed regarding the information that could be shared with a learner following an appeal. Concerns were raised about the information that would be covered under organisations' GDPR responsibilities.

Some respondents said it would be important that we provide clear and consistent messaging for all stakeholders, especially learners. It was requested that this be released prior to the issuing of results so that all parties are aware of the process. Some of this group felt that it will be essential that the means by which awarded

grades are calculated is made transparent to centres, universities and other stakeholders. Examples were provided of some qualifications where the grade will have been achieved through internal assessment, which may give a more complete picture of a learner's level of attainment. Similarly, some learners will have taken assessments already which could potentially result in a more reliable form of estimation. Where the level of evidence available to decision makers varies across qualifications, this group of respondents felt that there should be some acknowledgement of this in any communications. It was thought that this would help in managing the expectations of students and providers in what they can expect from an appeal.

The issue of consistency was noted by several respondents who said it would also be important that there is comparability between the processes run by different awarding organisations.

The issue of potential burden was raised by a range of respondents. Amongst responses received on this, it was indicated that:

- there will be resource implications for awarding organisations who may have to amend existing policies or issue temporary policies, and who are likely to have to deal with an increased number of appeals

- awarding organisations will also be dealing with the disrupted teaching and assessments and the beginning of the next academic year while dealing with a potentially larger caseload of appeals

- there will be significant burden on awarding organisations and centres, bearing in mind the wide range of evidence that might need to be dealt with

There were several requests that, where possible, any requirements sought to ensure burden was minimised on centres and awarding organisations as much as possible.

It was also suggested by several respondents that any appeal process should be designed so as not hamper learners' progression and to minimise any potential negative effects on learner mental health. A number of respondents said that learners should be able to appeal directly to awarding organisations – although conversely a number of other respondents said that learners should only be allowed to appeal through their centres.

Several respondents felt that our proposed timescales should be revised so that results can be issued as early as possible, which would mean appeals could be made earlier and more time would be provided for any assessments to be sat subsequently. It was stated that there should be an outline of the timings for appeals and how long learners will have to wait before a decision is made.

Finally, a number of respondents did not agree at all with the proposals. These respondents said that results issued should not be subject to appeal. Some explained that this was because an appeal would add another layer of complication to an already complex process and others felt that it would impact for longer on centres than just this summer. One respondent said that decision-makers would not have access to all the relevant additional information that would normally inform an appeal, bringing into question the value of offering appeals.

5.11 Certificates

Question 16: To what extent do you agree or disagree with our proposed position in relation to certificates?
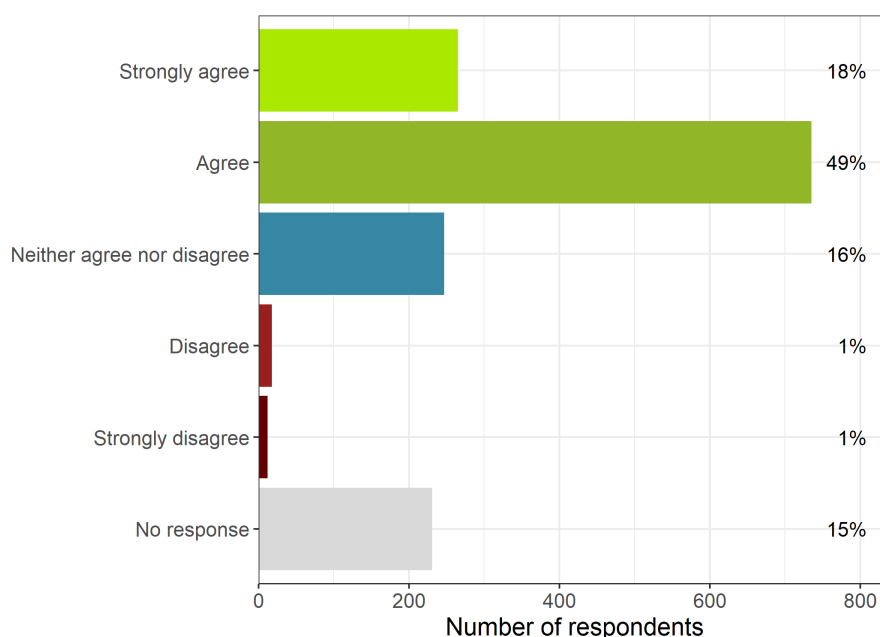

Figure 15: responses to question 16

Sixty-seven per cent of all respondents to the consultation either agreed or strongly agreed with our proposed position relating to certificates, compared to 2% who disagreed or strongly disagreed.

A total of 1,277 responses were received to this question and 118 respondents provided comments.

Comments received in agreement with our proposals generally saw having no new requirements or special arrangements for certificates as a positive. Some of the respondents in agreement provided additional comments:

- many supported our proposed approach as the conditions currently in place allow the flexibility to manage the re-issue and revocation of certificates
- one respondent felt that the proposals will result in accurate credit for students and provide sufficient support for staff involved in the process

Across the range of respondents, comments were provided either in disagreement with some or all of the proposal:

- one respondent noted that the approach may not fit all internally assessed programmes, therefore there may be potential for dispute between providers
- some respondents felt the wording of this proposal was unclear and more clarity was requested on what the process regarding certificates would be. In relation to this, one respondent said that we should specify whether awarding bodies should amend certificate content to reflect the impact of coronavirus (COVID-19) on the exam session

- there were some suggestions that we need to ensure that awarding organisations and other bodies involved have sufficient resources to maintain the proposed process
- several respondents said that the timescales for issuing certificates should be earlier than proposed, so that there is no delay to progression for learners and to enable sufficient time for appeals and resits

A large number of comments were received that related to the way the certificate recorded the result obtained. A number of respondents felt that the certificate should indicate the nature of the result (in other words, if it had been estimated) so that it is clear if assessments have not been sat by the learner. Some respondents felt that this would provide complete transparency for employers and further and higher learning institutions. Many of this group felt there could be health and safety concerns relating to certificates being issued in full without certain elements being assessed. These respondents felt there would be no certainty that the certificate is a valid representation of a learner's skills, competency or knowledge if all assessments had not been undertaken.

A number of other respondents stated that the certificates should not be different to certificates issued in other years. They said that if there were additional markings to reflect the difference in procedures this year, then it might cause these certificates to be considered of lower value and so negatively impact on learners. Several respondents said that the judgement of professionals should be sufficient evidence for the grades and certificates issued to be considered equal to those issued in other years.

There were some comments suggesting that a candidate's best grades should be reflected on their certificate. It was felt there should be the option for revised certificates to be issued where a learner has taken an assessment again and achieved a higher grade. Some respondents asked for more clarity around what will happen about resits and certification. They suggested that this information would aid decision making for centres and students on whether to resit the qualification.

We also received a number of comments relating to the form the certificates could take and the processes involved in their distribution. Many commented to say they felt that digital copies of certificates should be available in all cases, to reduce contact between people and to ensure there are no delays due to postage. Many of this group felt that hard copies of certificates should be sent directly to learners rather than to centres. They stated this approach would reduce the potential delay to learners receiving their certificates where centres are closed. It was highlighted that there may be learners, such as those in prisons with no other fixed address, who would be much better served by receiving a digital certificate.

A number of responses received to this question did not relate to the proposed approach to certificates. These responses are recorded against the correct questions, where relevant.

5.12 Private learners and learners not yet registered for assessment

Question 17: To what extent do you agree or disagree with our proposed approach in relation to private learners?
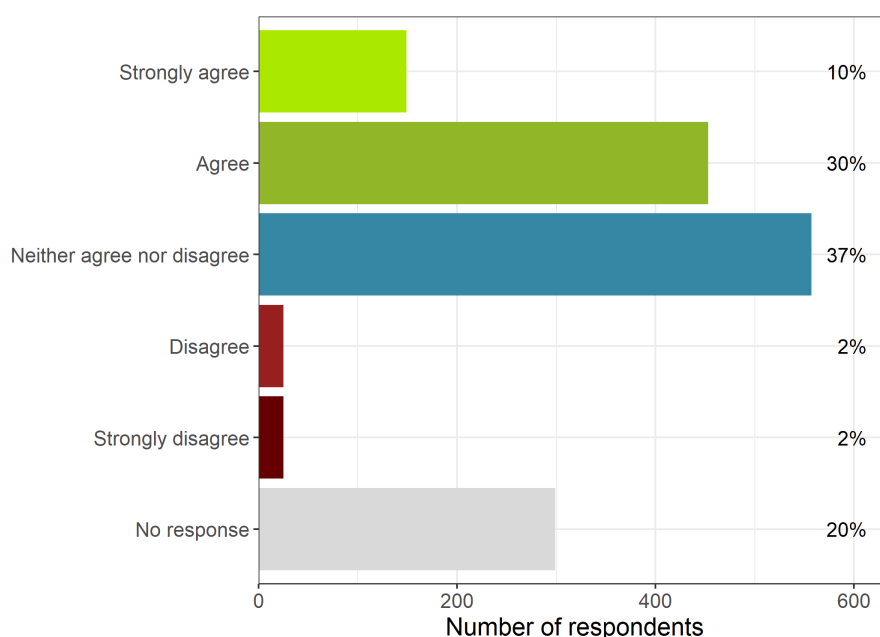
Figure 16: responses to question 17

Forty per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approach in relation to private learners, compared to 4% who disagreed or strongly disagreed.

A total of 1,209 responses were received to this question, and 183 respondents provided comments.

Many respondents set out the circumstances of and challenges faced by private learners. These include that they:

- are often likely to have protected characteristics, be disadvantaged, or have experienced some form of challenge or disadvantage in their earlier engagement with education. Examples given included where learners have special educational needs or disabilities, illness, mental health issues, caring responsibilities or other challenging personal circumstances, such as young parents or those who have been excluded from mainstream education
- will include those who have chosen to resit qualifications without re-registering with a centre, potentially because they might not be able to meet all of the costs involved in being taught in a centre
- can choose to work directly with some awarding organisations, rather than having to go through centres
- might attend teaching institutes or access virtual schools or employ tutors, rather than learning completely on their own

For the reasons given above, it was suggested that our rules for private learners should not be developed as if all private learners are the same and accessing qualifications in the same way.

We received 9 comments suggesting our proposals appeared to be the fairest approach for a potentially complex group of learners – in terms of both their range of needs and circumstances and the variety of qualifications they take. Four other

respondents suggested that they agreed with our proposals, because they could see no other or more effective way to support private learners.

More than 20 respondents, covering those who agreed and those who disagreed, recorded the sentiment that, where possible and despite any differences, private learners should be treated the same as other learners. Seven respondents, including a representative body, said the emphasis should be on issuing results to as many private learners as possible, so as not to disadvantage them in comparison to their peers.

Across the comments we received from all respondents (whether they agreed, disagreed or neither), several key themes emerged: what evidence could or should be provided by private learners to get results; whether private learners should have to engage with centres; the potential to align with the approach for general qualifications.

With regards the evidence that would be needed by learners in order to be issued with results, 14 respondents (covering teachers, centres, parents, representative bodies and awarding organisations) said that our proposals were fair so long as private learners were able to provide sufficient evidence. One representative body in particular noted that it would be in no one's interest to award qualifications which have significantly reduced reliability because of an unreliable basis of evidence for the calculation of results. Two awarding organisations suggested that in order to be satisfied about the quality of the evidence provided, similar to requirements for general qualifications, awarding organisations should require a formal declaration by the head of the centre relating to all centre assessment grades submitted.

Ten respondents raised challenges with the use of evidence for learners to achieve results including that:

- where a learner has evidence but has not engaged well with a centre, it might be difficult for the centre to have confidence in the evidence being provided, and that it may be challenging for Heads of Centre to sign off results, because it would be unlikely that they would have had any relationship with the learner
- that there might be potential unfairness if, by no fault of the learner, some centres had engaged less well with their private learners than others
- centres will need strong quality assurance processes to undertake the proposed approach which will add burden and pressure to centres
- rank ordering might be challenging for centres who are not well engaged with private learners registered with them, and that centres might be unwilling to do this
- it might be unfair for those resitting to be provided with results based on previous performance

There was a split in the views received in relation to provision of evidence for results. At least 10 respondents felt that all private learners should have to meet the same evidence requirements as non-private learners, although several of these acknowledged that this could make it more challenging for private learners to receive results. Conversely, 10 respondents felt there should be flexibility around the evidence requirements to enable more private learners to get results.

Along these lines, one parent noted that it was unfair that the metric around expected evidence and performance was set against school-based learners instead of being focused on educational attainment overall. They also noted that while steps should be taken to avoid positively discriminating for private learners, a solution should be found to enable them to receive results.

Several more points were made relating to expectations around evidence.

- An awarding organisation proposed that guidance around alternative sources of evidence should be produced to support private learners, recognising that sufficient attainment evidence might not always be available to them. In line with this, seven respondents noted that the level of engagement, and work carried out, with other support mechanisms, such as tutors, teaching institutes or virtual learning providers, should be taken into account by awarding organisations

- Four others noted that the evidence available to be submitted by a private learner will vary based on the structure of the qualification and its assessment methods. A parent noted that it is challenging to find centres willing to take on private learners, which often leads to the selection of qualifications with only a terminal assessment, meaning potentially less evidence being generated during the qualification

- A representative body suggested it may not be possible to adequately rank private learners against other learners. They suggested it might be appropriate to aim to 'bunch' learners together instead of ranking to avoid inadvertent discrimination

As summarised above, a number of the comments received about use of evidence also included concern around levels of engagement with centres. We received comments from more than 10 other respondents relating to engagement with centres. These noted that:

- if centres were expected to engage now with private learners who weren't previously registered with them, this would increase workload when they are already under additional pressure

- any requirements we put in place should not put undue expectations on centre to issue results to private learners, with concern that centres might be required to form judgements on learners they did not know

- some learners might have suitable evidence but not be able to find centres willing to submit centre assessment grades on their behalf

Five respondents queried whether learners should have to engage with centres and whether they could go directly to awarding organisations instead. Two awarding organisations noted that not all awarding organisations work just with centres, so some already have processes in place for learners to work directly with them. Another awarding organisation, however, felt that private learners should be directed only to approach centres, lining up with the guidance provided to learners taking general qualifications.

This point indicates a further theme that arose in responses, which was potential alignment with the requirements put in place for GCSEs and A levels. During our consultation period, we published further advice on the approach for private learners taking general qualifications – the consultation for general qualifications having

already closed. It is apparent that the advice informed some of the comments received to our consultation.

More than 15 respondents said that private learners taking vocational and technical qualifications should be treated the same as those taking general qualifications. Many of these respondents said that the processes should be similar in order to support learners, centres and awarding organisations. Referring to the general qualification guidance:

- an awarding organisation noted that there might need to be some differences in approach due to the nature and design of the qualifications, but called for consistency where possible
- a representative body said we should also note that there may be conflicts of interest with the requirement for private teachers to provide an estimation of learner performance
- an awarding organisation suggested consideration should be given as to how the transfer of learners between centres to support learners to achieve results can be facilitated

Some respondents provided comments on the other approaches under the proposed framework; adaptation and delay -

- seventeen respondents (including 2 awarding organisations and 3 representative bodies) said that where students could not supply sufficient evidence, they should be ensured access to adapted assessments, with delay the option of last resort. In contrast, 5 respondents (including 3 centres) said that the most suitable option would be to delay, because many private learners will not have suitable centre support. There as recognition from 2 of these respondents that this would inevitably disadvantage private learners, but they felt the risks associated with finding alternative approaches were too great
- a teacher suggested that private learners should be prioritised for autumn series assessment, however an awarding organisation was wary of disadvantaging others if the autumn assessment opportunity could only be accessed by private learners
- a number of respondents voiced concern at the disadvantage that could be experienced by private learners if waiting until autumn to be assessed was seen as the most suitable option. Reasons given for this included that it would be unfair if private learners did not receive grades when others did, with one respondent noting that it would particularly impact on those resitting qualifications this year. Concerns around impacting progress were raised by 8 respondents, with several suggesting that universities and employers should be directed to accept private learners without grades. One parent suggested that private learners who have to wait until autumn to be assessed could benefit from this because they will have longer to prepare for assessment

There were also some comments received about private learners who are not registered, either with a centre or with an awarding organisation. Two centres said that only those already registered with a centre should be able to access adapted assessment or get results, another three said that unregistered learners should have to wait until the autumn.

Finally, it is worth noting that there were a few responses that indicated that not all respondents understood what we meant by 'private learner'. One awarding organisation and three centres indicated that they would treat learners the same no matter how they were funding their qualification.

Question 18: To what extent do you agree or disagree with our proposed approach in relation to learners who are not yet registered for an assessment?
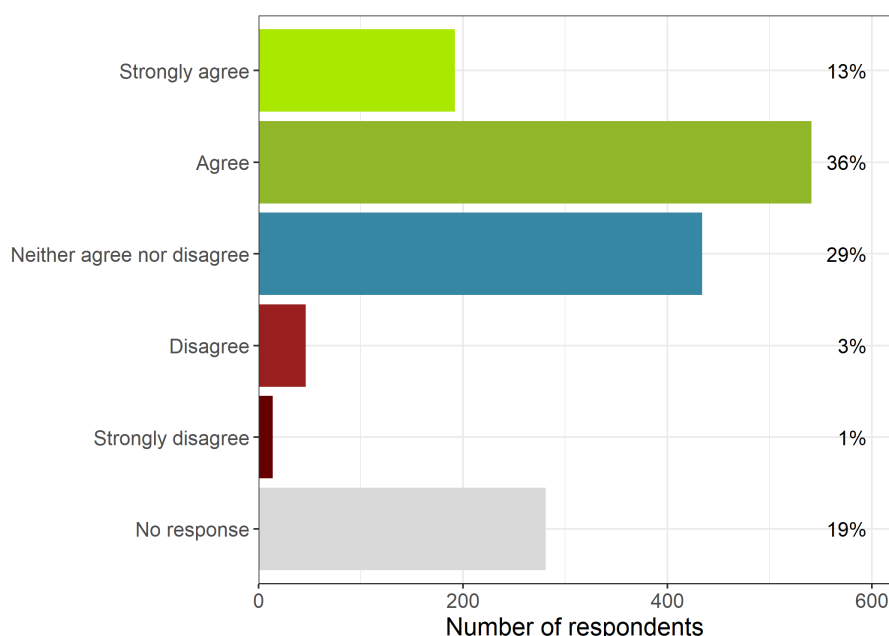

Figure 17: responses to question 18

Forty-nine per cent of all respondents to the consultation either agreed or strongly agreed with our proposed approach in relation to learners who are not yet registered for an assessment, compared to 4% who disagreed or strongly disagreed.

A total of 1,227 responses were received to this question and 206 respondents provided comments.

It was clear that a number of respondents were unsure whether registration referred to learners being enrolled with an awarding organisation to take a qualification or being entered to take a particular assessment within a qualification. In some cases, for respondents, enrolment onto a qualification might only occur at the point of entry for an assessment, or at the point of claiming for completion, but for others, their experience related to qualifications where learners were required to be enrolled at the beginning of an academic year no matter when they might take their assessment(s). This clearly influenced many of the responses provided.

Thirty-one respondents provided comments to just say they supported the proposals. Thirty other respondents who supported the proposals provided additional detail around their support, including:

- six respondents who noted the risk that learners who could not be registered now might choose or might not be able to not complete their assessments later and so would miss out on the opportunity to achieve a qualification

- fifteen respondents (including 5 centres and 3 awarding organisations) who indicated that our proposals would prevent those who might not have been registered because of centre error or poor centre practice, some of whom might have already paid fees to their centre, from being disadvantaged
- three other respondents who said that it was appropriate that learners should be given the opportunity to register if their centres had closed because of coronavirus (COVID-19) before completing relevant registrations
- three centres who noted it is important that centres are given an opportunity to check that they have registered all students correctly

Commenting on the detail of our proposals. the need for guidance, safeguards or monitoring activity, relating to who could be registered, and a requirement for centres to provide justifications for 'late' registrations, was suggested by 14 respondents including 5 centres, 2 representative bodies and 4 awarding organisations

Seven respondents said that there should be a specific timeframe set out for registration to enable consistency between awarding organisations. In contrast, 5 respondents suggested that it should be for awarding organisations to individually determine the best approach with flexibility around timeframes for registration. Several respondents queried whether the registration period would also apply to learners wanting to resit – as some learners may have only recently received results and would not have had an opportunity to indicate their intention to resit.

Comments that provided notes of concern or caution with our proposals were received from respondents who agreed or disagreed with our proposals, or did neither, with similar themes emerging from all groups.

One of these themes was in relation to those qualifications where the standard procedures in place are such that centres do not have to register learners for either the qualification or for any particular assessment until that learner is ready to be assessed, in some cases to claim for a completed qualification. Examples were given of on-demand work-related qualifications, and specific qualification groups including Functional Skills and ESOL. This scenario was raised by over 40 respondents.

The concern in this situation was that through implementing our proposals – focusing particularly on the proposal that organisations should provide centres with a limited opportunity to register learners who were deemed to be ready to take assessments but who were not already registered – we might prevent the roll-on/roll-off, short notice approach to registration. Respondents said that this might impact on those learners who were still progressing and might be ready to undertake a qualification or assessment, and that they could potentially miss out on an achievement.

Eighteen respondents (including 2 representative groups, 7 teachers and 2 parents) indicated that it would be important not to lose this option at this time, highlighting its importance for some groups of learners because of the way they access education, including those in medical pupil referral units, other referral units and prison. Respondents also noted that on-demand assessment is popular in entry level qualifications and preventing short notice registration might impact adversely on

specific groups of learners, including those who are disadvantaged or those with SEND, who might be more commonly expected to be taking these qualifications.

The other key concern raised was around the potential for misuse or malpractice. Sixteen respondents (including 4 awarding organisations, 2 exams officers and 4 representative bodies) suggested that to allow registration now, particularly for qualifications where the expected procedure would have meant learners should already be registered, might risk misuse of the opportunity. Examples of potential misuse provided by respondents included that:

- centres might try to obtain results for students who are not ready to be assessed or knowingly are not adequately prepared, and so not deserving of a result
- students might try to access adapted assessments with a view that these might not being as challenging to achieve
- students might try to access assessments in order to try to complete qualifications earlier than planned

Mitigations to address such risks were suggested by 11 respondents and included that:

- awarding organisations should only consider late registrations from centres and not from individual students
- awarding organisations should monitor for unusual patterns of registration and use of Direct Claims Status

Three awarding organisations suggested that they intended to implement such suggestions. However, a representative body and 3 awarding organisations indicated that it would be challenging for awarding organisations to be certain of who would have been due to take all assessments this summer and to identify individual incidences where the late registration might not be genuine. A representative body said that awarding organisations would need to find a balance between authenticating learners and taking individual circumstances into account while also ensuring that reliability and minimum evidence standards are maintained.

One representative body suggested that while learners should be allowed to register in a limited window, they should not be able to access the special measures being put in place, and that this would minimise the potential for abuse of the system. Another representative body felt that if our proposal was implemented this would risk an influx of learners, and so additional registration should not be offered at all. Two respondents felt they could only support the proposals in relation to those qualifications where you wouldn't ordinarily have expected to have registered learners at this point, such as those with on-demand assessment.

In all, 21 respondents said that students not registered by now should not be afforded an opportunity to do so now, with 11 (including 4 teachers and 2 exams officers) suggesting they should wait until the next academic year. These comments were all received from respondents who disagreed or strongly disagreed with the proposals. From additional detail provided by some of these respondents, many of their views appear largely to be based on personal experience, in that they are only

familiar with qualifications where registration at the beginning of the course is expected.

Twelve responses raised the issue of potential burden of our proposals, on awarding organisations and centres, including 6 awarding organisations, 1 representative body and 3 centres. Factors they noted included that:

- there may be challenges in working with centres that are closed, particularly where staff may have been furloughed, to identify learners who should be registered for assessments and/or qualifications
- any work around registrations will have be undertaken in short timescales which will add pressure to both awarding organisations and centres
- under current circumstances, there is increased potential for administration inaccuracies
- centres and awarding organisations might not be able to identify all learners who might need to be registered

Ten awarding organisations and 2 representative bodies stated that awarding organisations should not be expected to contact all learners because they only normally have direct relationships with centres and not learners. They also said that centres would be better placed to judge whether there were students who genuinely should be registered at this time. One of the awarding organisations suggested that the scenario for needing to contact students directly would potentially be most relevant to assessments where the calculated results approach might be required. In line with this another awarding organisation said that if they were requesting registration from centres, it only need be done when the centre was being asked to submit evidence for calculated results rather than separately.

A centre noted that it may be challenging for anyone to contact some individual learners during this time. A representative body and several awarding organisations suggested that in order to avoid confusion, only established communication channels between centres and awarding organisations should be used. Five awarding organisations noted that there would be financial and physical resource requirements around contacting centres about potential registrations and a centre administrative staff member suggested our proposals appeared cumbersome to awarding organisations. Three awarding organisations suggested that it would be important not to penalise awarding organisations if they weren't able to identify all relevant learners.

Other considerations provided in response to this question included noting that for some qualifications, awarding organisations might need to consider employer views of readiness for assessment as well as centre views. Another respondent stated that it would be important to ensure that learners being registered late who would normally require access arrangements were still supported with arrangements made involving the use of relevant specialist expertise. One centre representative noted that they had withdrawn some students from assessment when it had become apparent that school closures were a possibility, but would not want their students to miss out on calculated results or adapted assessments where they deserved them.

5.13 Qualifications taken internationally

Question 19: To what extent do you agree or disagree with our intention to not require any particular approach for adapting assessments and/or issuing results to international learners?
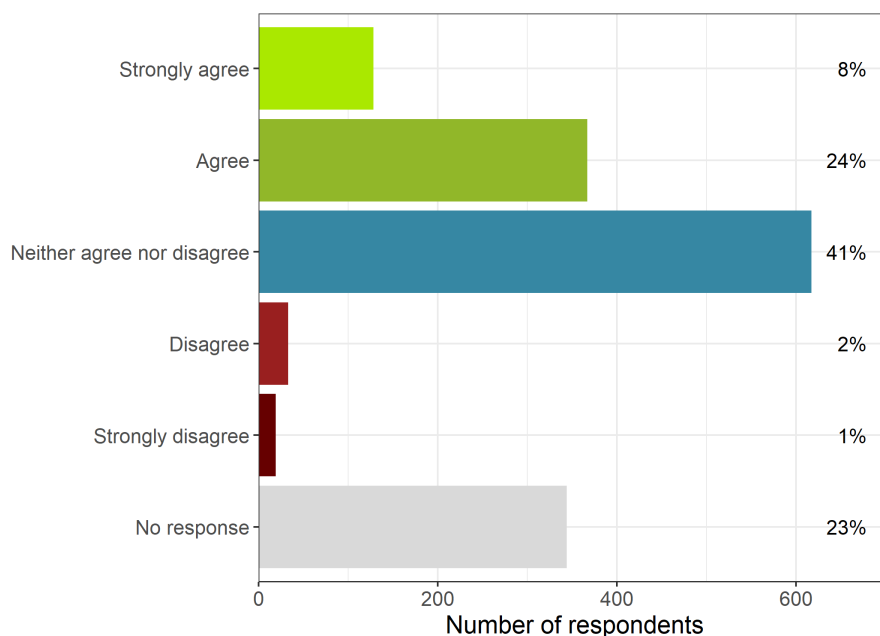

Figure 18: responses to question 19

Thirty-two per cent of all respondents to the consultation either agreed or strongly agreed with our intention to not require any particular approach for adapting assessments and/or issuing results to international learners, compared to 3% who disagreed or strongly disagreed.

A total of 1,164 responses were received to this question and 151 respondents provided comments.

The main themes of the feedback were:

- that our proposed approach will give awarding organisations greater flexibility to adapt to local conditions in the international market
- that the importance of parity and consistency between UK and international learners should be considered

Of those who agreed with the proposal, fifteen respondents (including 7 awarding organisations) indicated that they felt that the proposed flexibility was appropriate and pragmatic, for the following reasons:

- it is necessary to take into account differences, such as in social distancing restrictions in different countries and the impact that this will have on learners and centres
- the variety of additional needs faced by learners makes it impossible to determine what will work for everyone, meaning flexibility is necessary
- there will be many possible adaptations which will be proposed across awarding organisations that will be reasonable and acceptable in context

Nineteen respondents (including 11 awarding organisations) said the proposal would allow awarding organisations to adapt to local conditions. Many of these highlighted the permissive approach and how it would enable them to respond to factors that are likely to differ greatly between qualifications, awarding organisations and country of delivery.

Another respondent felt that the approach also allows awarding organisations to consider whether they have the capacity to offer their alternative arrangements internationally. One other felt that the flexibility would help ensure students were not disadvantaged. In line with this, a centre noted that there may be some international students who have been unable to return to the UK from overseas so may need to be able to access adapted assessments from different locations and at different times to students taking assessments in the UK.

Forty-six respondents commented on the importance of ensuring parity, fairness and consistency between UK and international learners. A number of respondents added that this was important for the learners and to ensure that qualifications delivered internationally retained the same currency as UK-delivered qualifications; they commented that it is important that a qualification represents the same standards, experience and achievement for all students in the same cohort. One respondent noted that any approach taken to international learners should not disadvantage UK learners, either in the awarding process, or when using their qualifications for progression.

One awarding organisation, while welcoming the proposed flexibility said that consideration will need to be given to the maturity of the particular overseas educational market and to the safety to learners, when determining whether calculated results could be provided. They highlighted that if there is a risk or documented history of corruption or exploitation in a region then the issue of calculated results should not be considered viable or safe. They stated that it is important to consider the wider context, including the humanitarian imperative that could arise in any given approach.

Other respondents, however, felt that this flexible approach would either undermine the value of the qualifications or disadvantage international learners and should be tightly regulated or overseen. Some added that this flexibility is inconsistent with the regulatory framework and our approach to general qualifications. Views included that:

- this could undermine the value of international versus domestic qualifications resulting in a wider variation
- students should not be disadvantaged by the grade awarding mechanisms as set by other UK awarding organisations
- the approach seems at odds with the proposal for GCSE and A Level results, where the key principle is consistency of approach for all learners, regardless of where in the world they are studying
- this is not an equitable approach to the awarding of achievements
- this level of freedom may lead to poorer quality assurance and a risk that international learners may be either advantaged or disadvantaged as a

result. This would lead to a lack of trust in the reliability and validity of their 2020 qualifications

Other respondents suggested that additional quality assurance or oversight should be included in the proposals. These suggestions included:

- all evidence to be moderated externally to ensure consistency between centres
- approval of adaptations to ensure they are robust
- evidence should always be available to support the decision-making process

5.14 Awarding organisations facing financial difficulties

Question 20: Do you have any comments about our proposed position in relation to awarding organisations facing financial difficulties?

We received 396 comments in response to this question.

Of those who provided comments, a number of respondents (including 16 awarding organisations, 5 representative bodies and 19 teachers) commented positively on our proposals in relation to awarding organisations facing financial difficulties. These comments included support for our role in regulating awarding organisations and the importance of awarding organisations to the sector. Comments included that:

- all awarding organisations should be supported, as without them we will not have skilled, qualified individuals in our country
- it is important that awarding organisations are supported as far as possible to ensure that there are still the opportunities for students to be able to access these qualifications in future years
- it is important that those that are at risk of financial difficulties are established quickly and monitored and supported where appropriate

Awarding organisations who commented were pleased that we are aware of the difficulties facing them and satisfied we are not intending to implement additional regulations. Several expressed concern about the potential for the crisis to cause some awarding organisations to collapse and a number of other respondents also added their concerns about adverse effects on centres and their ability to continue providing education. Issues noted included that:

- there is a particular concern around those, often smaller, awarding organisations that offer specialist qualifications where an alternative may not be present, and where, if there is financial difficulty, there could be an impact on learner achievements
- if an awarding organisation collapses this would have a detrimental impact on students who are already trying to cope with a very difficult situation
- an increasing number of awarding organisations will begin to struggle if the lockdown continues indefinitely
- all awarding organisations are going to be impacted in some way, shape or form by the current situation

Twenty-nine other respondents based their comments around the need to consider the financial impacts on centres and that all parties involved, including ourselves, awarding organisations and centres should work together to ensure that learners were protected and received their results.

Twelve respondents (including 3 awarding organisations) commented negatively on our proposals. Reasons stated included:

- querying whether awarding organisations would have financial issues as the vast majority of income would be front loaded in an academic year through registrations which should have been completed by now
- that both awarding organisations and centres have fixed incomes and so should not face financial difficulties unless they were already prior to the lockdown
- a concern that awarding organisations could look to profiteer from the situation if entry fees for qualifications have been paid, but the awarding organisations do not have to pay for examiners and standards verifiers where they are no longer needed

Awarding organisations expressed concerns that our proposals would not assist them more in managing financial challenges in this situation. Comments included:

- some significant concerns regarding the financial burden that the process for calculating results will place on awarding organisations, as this is likely to incur a significant amount of cost
- that there should be an offer of financial help to 'buffer' awarding organisations through this process

The notion of awarding organisations receiving additional financial support from the government was raised in 34 responses. Nineteen respondents supported the idea of awarding organisations receiving some form of assistance, however 15 did not. Those in support said that it was important not to disadvantage students so awarding organisations should be able to access financial support and to look ahead to potential knock effects if there are issues, such as for universities and apprenticeships. Those who disagreed felt that awarding organisations are likely to have sufficient finances – not least because centres are still paying full fees to awarding organisations. Others suggested that it would mean they face the same issues as colleges, for example, and so should be expected to find ways to address the problems such as downsizing.

A large range of comments were provided to this question, setting out views around the potential financial difficulties facing the sector at present and what respondents felt should be our priorities. However, these comments did not address our proposals in this question, and so have instead been considered as part of our regulatory impact assessment.

5.15 Functional Skills qualifications

Question 21: To what extent do you agree or disagree with our proposed position in relation to the issuing of results for Functional Skills qualification learners?
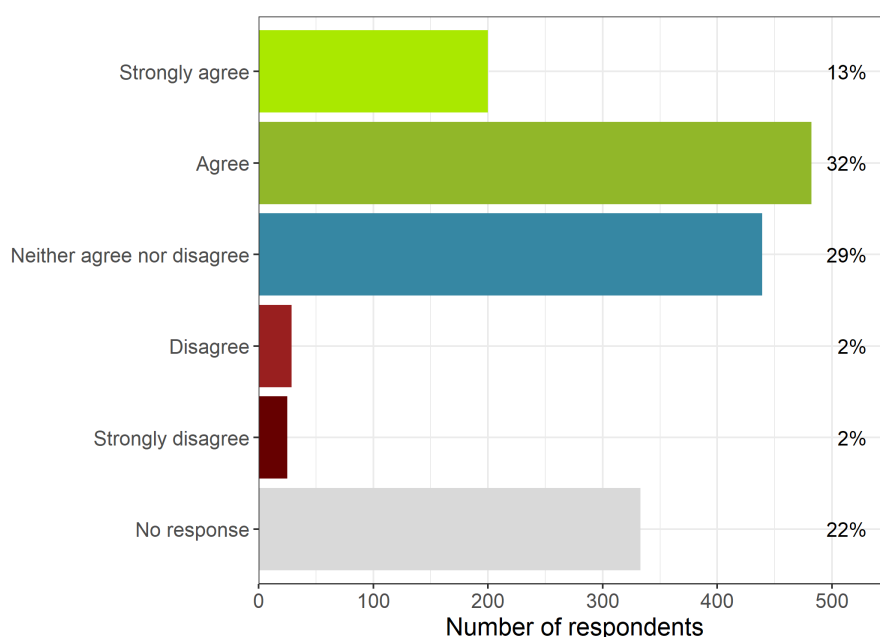
Figure 19: responses to question 21

Forty-five per cent of all respondents to the consultation either agreed or strongly agreed with our proposed position in relation to the issuing of results for Functional Skills qualification learners, compared to 4% who disagreed or strongly disagreed.

A total of 1,175 responses were received to this question and 223 respondents provided comments.

Many respondents provided comments on the overall approach proposed. Comments provided by awarding organisations and a representative body included that:

- the proposed approach to the awarding for functional skills allows for flexibility, but awarding organisations will need to be confident that any results issued are a valid and a fair representation of a learner's ability in this area in order to be compliant with the extraordinary regulatory framework
- further clarification is needed on whether awarding organisations need to seek our approval on a centre-by-centre basis where adaptation is used instead of the calculation of results, which would potentially lead to a significant administrative burden for awarding organisations
- there was agreement that there may be insufficient evidence available to provide calculated results for all learners, for example for learners on roll-on/roll-off provision and for those working remotely from their centre
- some awarding organisations confirmed that preparations are in place to offer adapted assessments, such as remote assessments with remote invigilation, where it was not possible to issue a calculated result due to lack of evidence
- the extensive collaborative work between Ofqual and awarding organisations who offer FSQs, leading to the development of the approach, was recognised

Many of the centres, their staff and their representative bodies who agreed or strongly agreed with the proposal, emphasised the need for Functional Skills learners to be treated fairly compared to other learners. Comments included that:

- FSQ learners expecting to sit assessments before the end of the summer should receive a calculated result, because they were comparatively high stakes for some learners and that the 'safe and valid' criteria suggested in the consultation seemed to be the best achievable in the circumstances
- the approach was fair when compared to the approach for GCSEs, which students might also be taking – and that any other approach could reduce the validity of FSQs as an alternative to GCSE
- the same approach should be adopted for FSQs as that being followed for other qualifications taken as part of a 16-19 study programme
- the approach needs to ensure progression for FSQ learners who include those resitting maths and English in further education, along with apprentices and adult learners, and those on 1-year courses, to make sure they are not disadvantaged. Learners with SEND or who have previously experienced difficulties with learning were also noted as important groups of learners where there is a risk of discrimination

Many of these respondents also supported the need for a flexible approach. Some provided comments relating to the potential to adapt assessments or delay them. These included that:

- the proposals capture all the different scenarios that FSQ learners may find themselves in and that a 'one-size fits all' approach is not possible for FSQs
- in some cases where students undertake 'block' learning for Functional Skills, for example in apprenticeships, there may not be sufficient evidence to award reliable centre assessment grades and so another approach will be needed
- where learners would have completed minimal guided learning hours, have had hardly any contact with tutors and have taken no assessments, it would be preferable to offer those learners adapted assessments with remote invigilation, to avoid disadvantaging them by delaying their progression
- an assessment opportunity should be provided as early as possible in the autumn term for the learners unable to receive a calculated result, nor able to sit their assessments now, either in person or online, so as to not negatively affect their progression and career opportunities
- students who are continuing to study during the next academic year will be able to spend time ensuring past skills are revised and consolidated, as well as covering any skills which were not delivered this year
- if further teaching and assessment opportunities are needed in the autumn, dates for new courses starting in the autumn 2020 term might have to be delayed

A small number of respondents, who said that they agreed or strongly agreed with our proposal, expressed a preference for adaptation of assessments and said that learners should be allowed to take examinations remotely if they wished to do so, using adapted assessments with online invigilation. We were asked if all awarding organisations would use the same adapted assessment.

Other suggestions were also made around potential approaches this summer. One respondent stated that they would welcome the opportunity to move learners who started mid-year onto a Recognising and Recording Progress and Achievement

(RARPA) approach, so that learners who cannot achieve a calculated result and who may not continue in the autumn due to the economic climate, could have their progress in English, maths or ICT recorded. Another respondent said that assessments (formal and formative assessments carried out in centres in compliance with social distancing rules) should continue in parallel with the process of issuing calculated results, to enable more learners to receive a result this summer and avoid sitting assessments in the autumn. Another suggested that the Speaking, Listening and Communicating component within FSQs in English should be suspended for this summer's awards, and that results should be determined on the other components which can be delivered and assessed remotely and online.

A number of concerns about the overall approach were also raised by those who agreed or strongly agreed with the proposal. These were shared by some respondents who disagreed or strongly disagreed or neither agreed nor disagreed. Comments raising concerns included that:

- arrangements for FSQs would be potentially at greater risk of abuse than other qualifications where calculated results were being awarded and that the onus on awarding organisations to look for the evidence available to support calculated results was welcomed
- there are likely to be significant difficulties, not encountered in the context of issuing calculated grades for GCSEs or A levels, which would increase the risk of the issue of inaccurate results for FSQs, arising from the diversity of settings and different delivery patterns for Functional Skills qualifications
- a 'mixed methodology' approach to issue of results for Functional Skills qualifications was inconsistent with the other provisions of the proposed framework and could lead to confusion and be unmanageable for centres
- awarding organisations may resist issuing calculated results for Functional Skills learners, even where centres might feel that they had sufficient evidence to support a centre assessment grade, because they would prefer to offer adapted assessments
- a consistent approach is needed across all awarding organisations. Where awarding organisations are not offering the opportunity for learners to receive calculated results, centres should be given the opportunity to move to an awarding organisation which is
- adapted assessments should not be the 'norm' and we should protect the interest of learners above those of other stakeholders involved in this process

Many respondents who disagreed or strongly disagreed with our proposed approach did so because of potential unfairness to learners who would not be able to access adapted assessments, delivered online. Similar points were made by those who agreed or strongly agreed or neither agreed or disagreed. Responses included that:

- awarding organisations would need to consider the resource available to both providers and learners, particularly in the area of technology to be able to run adapted assessments, as this could unfairly disadvantage some providers and learners who do not have the capabilities to be able to manage adapted assessments involving technology
- some students will be disadvantaged because of unequal access to technology, and it would be unfair for those learners without access to

technology at home, or who might only have a smartphone which would not be sufficient to run adapted assessments, to offer adapted assessments to some learners

- learners requiring reasonable adjustments would not be able to access readers or scribes, nor access amended tests, such as Braille assessments
- support would have to be made available for learners who were no longer in educational centres but who needed to sit an adapted assessment, especially as most learners taking a Functional Skills route are those that struggle with the topic, are disadvantaged or have learning difficulties
- more guidance might need to be provided to awarding organisations on the need to consider how to avoid discriminating against learners with SEND, protected characteristics or other vulnerabilities when designing adapted assessments to avoid unnecessary discrimination
- the proposal did not take into account the needs of vulnerable young people, such as care leavers or looked after children, who may be disadvantaged, or of the emotional impact the coronavirus (COVID-19) outbreak has had on people's ability to continue studying and provide evidence
- adapted assessments may not be reliable and so it would be better to delay the assessments until the government restrictions have been lifted

Other respondents who disagreed or strongly disagreed, or neither agreed or disagreed, did so because they felt that only adapted assessments should be made available, with the issue of calculated results as a last resort, or not at all. A small number of respondents disagreed because they felt able to deliver and assess their learners as usual, and saw no need for calculated results to be issued. A small number said that all assessment should be delayed until the autumn.

The need for reliable evidence to underpin the issues of calculated results was raised by several respondents. Some respondents, who agreed or strongly agreed with our proposal, said that if a centre and its awarding organisation could not justify a centre assessment grade for a learner, that learner should not be allowed to get a calculated result as that would diminish the efforts that those whose grades can be justified, or emphasised that issue of calculated results had to be evidence-based. Some also said that there should be some restrictions on who received a calculated result and that calculated results should only be awarded where absolutely required this year. For example, if an apprenticeship was not due to be completed this academic year, then calculated results should not apply. One respondent said that the fact that a calculated result had been awarded to a learner should be reflected on their certificate.

Concerns about the need for reliable evidence were also raised by some respondents, mainly those responding in a personal capacity, who disagreed or strongly disagreed. They did not believe that calculated results could be fairly or reliably determined. Similar points were also made by respondents who neither agreed nor disagreed. Comments included that:

- learners would not have covered sufficient content for a centre assessment grade to be determined
- Functional Skills courses and teaching do not routinely produce any evidence that is robust enough to use to calculate results

- reliable physical evidence of formative assessments for a good range of learners with sufficient coverage of the specifications would be hard to provide, as teachers may well use more ephemeral forms of formative assessment to better engage their learners and concentrate more on areas of weakness than areas of competence
- as FSQs are pass/fail qualifications, any student receiving a fail grade could be in direct conflict with their tutors
- learners might receive lower marks through the issue of calculated results
- learners would struggle the following academic year if they progressed to the next FSQ level without actually having the skills they needed, which could impact on the centre's performance

Most of the comments received from respondents who agreed or strongly agreed with our proposal, in particular those responding in a personal capacity, were about the need for further information about the process to issue calculated results to be released as soon as possible, on the need to minimise the burden on centres, and on the need to ensure consistency of approach across awarding organisations. Many respondents, in particular those responding in a personal capacity, who disagreed or strongly disagreed, or neither agreed nor disagreed, did so because of concerns about how the process of calculated results would be implemented, and made similar points.

Respondents asked for clarification on how the approach to calculating results might be implemented, what evidence might be requested by awarding organisations, what account would be taken of learner achievements to date, what the window for learner eligibility would be and how learner registrations for roll-on/roll-off programmes would dealt with. Clarification was also sought on how calculated results would be awarded for those qualifications which are only internally assessed and when centres usually only provide awarding organisations with final results when learners have passed the qualifications. Several respondents also expressed concern about being asked to rank order large groups of learners.

Respondents also said that the moderation or quality assurance process put in place by awarding organisations needed to take account of the difficulty of staff accessing evidence physically held in centres, and that the burden of providing evidence must be minimised, particularly given the current government-led restrictions that are in place. Others pointed out that the short timescale to implement the process, and that some staff in centres may have been furloughed and so would not be available to provide centre assessed grades.

The fact that reformed FSQs are relatively new qualifications (having been launched only in September 2019) was also identified as a potential difficulty for staff providing centre assessment grades. As teachers would be less familiar with the standard and because there is no historic data for the reformed qualifications, one respondent suggested that it would be helpful for centres to receive an indicative pass percentage per level from awarding organisations, to help ensure some measure of accuracies of predictions.

A small number of respondents asked for clarity on the timing of the issue of calculated results and whether this would this have to align with GCSE and A level results, or whether results be available more frequently as is the case now with roll-on/roll-off assessments.

Respondents with an interest in or working in prisons and the secure estate, the majority of whom agreed with our approach, also pointed out the challenges of providing results for their learners. Comments included that:

- it was essential that as many calculated results as possible were issued as Functional Skills qualifications were highly prized by prisoners as a sign of achievement
- providing later assessment opportunities for learners in prison would not be possible because their learners may have moved or been released
- initial assessment results were not always an accurate starting point in a prison context and would not form a sound basis on which to calculate an end result for learners
- adapted FSQ assessments would not be suitable for learners in prison as they would not have access to online assessments
- there needed to be a specific and consistent arrangement for prison education across awarding organisations, which may require them to run 2 sets of arrangements in parallel

Several respondents welcomed the extension of the legacy FSQs although some suggested that it would the extension period should be longer. A small number of respondents said that the requirements for FSQ achievement should be waived, particularly for Level 2 intermediate apprenticeships, to allow learners to achieve and progress to advanced qualifications in the next academic year.

We were asked to clarify how our requirements relate to the equivalent qualifications within the devolved nations.

5.16 The extraordinary framework

Question 22: Do you have any comments on the proposed regulatory framework?

We received 393 comments in response to this question.

A number of respondents provided comments in support of the proposed framework. Many described the framework as clear, fair, rational, thorough or reasonable. One teacher commented that the framework needed to be fair, applied consistently, and subject to review. A representative organisation and a centre said that it would be important that the framework strikes a balance between rigour, fairness, comparability and flexibility to take account of the current extraordinary circumstances. Other comments received included:

- one centre stated that they supported the approach in the framework, and that it would be helpful to have more standardised guidance from us, leading to greater consistency in approaches across awarding organisations
- a teacher recognised that while the framework is thorough overall, it is also necessarily general in places, giving awarding organisations flexibility to take decisions. Another noted that this should generate sufficient and balanced outcomes, while a centre said that it provided a sound basis for awarding organisations to develop and implement their approaches

- one awarding organisation commented that it felt the approach was necessary to ensure learner progress is not hampered and that it supported organisations to make professional judgements fairly and consistently
- one respondent commented that it would be important for awarding organisations to be given full control over final processes
- two teachers welcomed the flexibility provided for awarding organisations, and that different approaches would be allowed within this. They commented that the focus should be on the quality of assessment judgements and outcomes, not just making swift decisions ahead of next year

Conversely, 1 teacher commented that they found the framework complicated and difficult to understand.

A teacher, a centre and a training provider all suggested that it would be important for there to be guidance supporting the framework for those taking and delivering assessments, and for those making judgements and assessment decisions.

A number of respondents made general comments relating to the overall approach rather than commenting specifically on the proposed regulatory framework. These comments included more than 10 respondents highlighting the need for arrangements to be put in place quickly and to be communicated clearly, particularly the list of qualifications falling into each category. This was so that centres can take appropriate actions, with several respondents noting that some centres are already taking different approaches to others, and others stating that awarding organisations are also providing differing guidance. Respondents were particularly concerned where centres might have to undertake additional work. In relation to this, one teacher commented that it is important that the framework reduces burden wherever possible.

One respondent commented that they disagreed with the approach and felt that the legitimacy of certificates issued under the framework may be queried. They did not feel it was right to prioritise issue of results, over other assessment considerations. Two students commented that the approach did not take account of students' mental health.

Around 10 respondents commented on the need for the approach for vocational and technical qualifications to align with that taken for GCSEs and A levels. It was suggested that vocational qualifications covered by this approach should not be seen as being treated less favourably than GCSEs and A levels. One teacher commented that it should be possible for all students to receive an estimated grade – that in their view, if an approach could be used for A levels, it should be possible in vocational and technical qualifications. Another teacher, however, noted the level of complexity involved in calculating vocational and technical qualification grades compared with GCSEs. They called for consistency across awarding organisations.

With a view to which learners should be covered by the framework, a large number of respondents commented on the need to ensure that particular groups of students were covered by the framework and able to progress. Several respondents noted the importance of the framework taking into account the needs of SEND learners. Another group of respondents said that the needs of those in prison education should be considered. Two students commented that students doing resits this summer should be eligible to receive a calculated grade. One of these respondents

referred to the fact that resitting students may also be doing so as private candidates.

Many concerns focused on learners who are mid-course: 15 respondents, including 12 teachers and headteachers, commented that it was important for students to be able to complete assessments as scheduled, as courses have not been structured to account for any other approach. Some commented that students in years 10 and 12, who were due to take assessments this summer, should receive calculated grades to enable them to proceed with the rest of their course as planned next year.

Some respondents commented that learners could be disadvantaged if assessments are delayed, as this could mean having to take all assessments in the following academic year, instead of them being spread throughout the duration of the course in the way they would normally be. In contrast, one centre suggested that assessments for students who are part way through two-year courses should be delayed. They said that it would be preferable for these students to take assessments in future sessions, as this would reduce the burden on awarding organisations and centres of having to calculate grades for an additional group of students this summer. A student commented that they should be allowed to take an extra year in college, as they would prefer to achieve their results rather than have them calculated.

Respondents provided thoughts on the qualifications to be covered by the framework, including:

- comments from 2 teachers that the framework would need to define which qualifications were in which category (categories 1-3) so that it would be clear what is covered by the framework
- two centres and a representative organisation said that more information was required in relation to procedures for Entry Level qualifications, and recommended that these should be included within category 1 or 2 of the list of qualifications covered by the framework
- two teachers and a head teacher queried the specific arrangements that would be in place for BTECs. They queried how standards verification would operate in these qualifications and commented on the lack of certainty for BTEC students compared with those taking A levels. One of these respondents also commented that the nature of the cohort taking BTECs meant that students from more disadvantaged backgrounds were likely to be affected by these arrangements
- a teacher commented that they thought calculated results would be the best approach for ESOL qualifications
- another respondent suggested that for any qualification with work experience requirements, specific arrangements need to be put in place, providing the example of those taking health or social care qualifications who may not have access to providers or employers where assessment criteria would normally be demonstrated
- a centre said that where a qualification can be awarded to normal timescales, then this should go ahead

A number of respondents commented about the approach to calculating results and quality assuring centre assessment grades:

- one respondent commented that it was possible that some students would not have access to the resources needed to be taught units fully, so it would be important for there to be a calculated grade, as set out in the framework
- one teacher commented that it would be important for any approach to rely on there being sufficient evidence and that if this were not the case, it might be necessary for extensions and delays to be used instead
- one student said that some of the evidence that would be used to calculate results would have been generated while colleges were still open, but operating at reduced effectiveness due to coronavirus (COVID-19). They said that it was possible that this evidence would not be as reliable as evidence generated at other points in time. A teacher made a similar point that there should be a cut off for what work could be included, as different centres may have operated under different arrangements in the run up to being fully closed
- one centre commented that it welcomed the approach to take account of the professional judgement of teachers, as they were best placed to judge students' likely performance
- four teachers and a centre stated that the proposal that awarding organisations should refer to centres' previous performance was unfair on centres that had made changes or improvements on previous years. They also indicated that this approach may not take account of differences between cohorts of learners. A teacher queried what consideration would be given to new centres
- one centre suggested that ranking internally assessed work such as coursework would not be effective, and that such an approach was only likely to work for assessments that used marks, rather than those with pre-determined criteria
- one teacher commented that it would be important to ensure that students or staff are not expected to go back into centres to retrieve information needed by awarding organisations for awarding

A small number of comments were received about adapted assessments:

- a centre commented that the approach for vocational and technical qualifications could pose an additional burden on centres and awarding organisations, compared to general qualifications, if awarding organisations introduce adapted assessments
- another respondent said that the use of technology for assessments should be allowed as long as there are clear guidelines and the use is monitored so as not to affect the integrity of examinations

A small number of comments were also provided relating to occupational qualifications. Two respondents indicated the importance of learners achieving occupational qualifications or licences to practise. A teacher said that for qualifications that signal occupational competence, it is essential to allow adapted assessments. They suggested a range of evidence that should be acceptable, including witness testimonies, professional discussions, photographic/video evidence and online simulated activities. Another teacher commented, however, that for such qualifications, delays would be necessary. A student suggested that they thought assessments indicating occupational competence could be calculated, as students

will have had their skills assessed throughout the duration of the course, making it possible to provide a calculated grade for such qualifications.

A number of respondents commented on how the framework would be applied in practice:

- an awarding organisation commented that it would be important for us to provide guidance to ensure that a consistent approach is applied across awarding organisations, while ensuring that any approach imposes the minimum amount of burden possible

- one awarding organisation commented that it would welcome more clarity on the disapplication of any General Conditions of Recognition to ensure awarding organisations are following the correct requirements

- several awarding organisations said that it would be helpful to know where we considered there to be tensions between the General Conditions and the extraordinary framework, and so where there might be a risk of falling foul of existing regulations in an effort to meet the framework, which could open them up to the possibility of regulatory action. One asked for clarity about whether they needed to notify us where they had prioritised the extraordinary framework over a General Condition

- one awarding organisation noted the risk of a judicial review for failing to comply with the requirements of the General Conditions, which could involve significant cost and resource to defend, and therefore further impact on future assessment series

- an awarding organisation said that it was not clear what should happen if the awarding organisation's approach needs to change during the process, or if different approaches need to be taken for different centres

- an awarding organisation asked for examples of how the new rules might be met, and of what non-compliance might look like. They also suggested clearly defining terms such as 'licence to practise'

- one awarding organisation commented that it hoped that where mistakes are made in complying with the new framework, we will work with awarding organisations to address this rather than taking immediate regulatory action. Another awarding organisation made comments relating to the risk of enforcement action being taken against awarding organisations who are trying to, but may not completely meet, the requirements of the new framework

- one awarding organisation commented that our approach where we do not agree with awarding organisations' interpretation of the framework needs to be clarified

- another awarding organisation said that it would be helpful to know, if it was not able to meet the principles set out, whether it would need to notify us as an event notification. Another awarding organisation also requested further clarity on the arrangements for event notifications

- an awarding organisation suggested that there should be further consultation on some of the approaches and requirements listed within the technical approach section

- a centre commented that it would be important for us to scrutinise the actions taken by awarding organisations under this framework

- another centre said that it would be important to ensure that learners weren't registered at a number of different awarding organisations until they got the result they wanted
- one teacher commented that students having a right to appeal was an appropriate step to take, with two respondents commenting that it would be important that appeals were only allowed on administrative grounds
- an awarding organisation said clarification is needed as to whether aspects of the framework would apply for future assessment series
- two representative groups, an awarding organisation and a centre commented that centres and awarding organisations would need to know when the end date for the framework would be

Some of the respondents commented specifically on aspects of the proposed framework:

- two teachers commented that they thought awarding organisations would prioritise Principle 1b within our proposed framework, which could lead to them requiring students to complete unnecessary work to ensure access to evidence. They commented that this may lead to awarding organisations acting in a more draconian way for vocational and technical qualifications than for GCSE or A levels students, and noting that many students could be disadvantaged when trying to work in alternative circumstances
- two awarding organisations commented that the language of the proposed framework used more legal terminology than is used in the General Conditions, making the proposed framework more difficult to understand and potentially more likely to be misapplied
- three centres and a representative organisation commented that the framework appeared to suggest that access to the specific process used to calculate grades would only be available on payment of a fee. They commented that this information would be needed for centres to consider if there were grounds for appeal, so didn't think there should be a fee applied and that charging a fee could disadvantage low-income learners
- one representative organisation commented that equalities considerations should form part of the main body of the framework, rather than just in relation to adaptation of assessments
- one awarding organisation commented that Conditions VTQCov2.1 and VTQCov2.4 considered results that are due to be issued in summer 2020. They commented that in many qualifications, assessments are taken over a period of years and assessed holistically and therefore felt that the arrangements should apply to all learners taking assessments in summer 2020, not just those expecting results in 2020
- three awarding organisations commented that it would be helpful under VTQCov2.2(b) to have clarity of how long it may take to receive approval for revised dates for issuing results. They also commented that under VTQCov9.3 they would require further clarity in terms of the provision of information to centres, private candidates and learners so that they were clear about what must be provided and to whom
- one representative organisation and one awarding organisation commented that VTQCov4.3 would benefit from being phrased more

clearly to suggest that awarding organisations may implement a different approach to assessment for different groups of learners where appropriate. They also commented that it was confusing that VTQCov5 did not mention delay, when in some cases it was clear this would be needed. They also queried which requirements we may choose to specify under the provision of assessment opportunities (VTQCov10.2) as the condition felt like a 'catch-all'. They also commented that additional guidance on Technical Advice Notices (VTQCov11.1) would be helpful

- one awarding organisation commented that VTQCov4.3 could be phrased more clearly to suggest that awarding organisations may implement different approaches for different groups of learners

- an awarding organisation commented that VTQCov5 was confusing as it did not mention delay, when it is clear that in some instances this may be required, which they said suggested delays could be seen as non-compliant, despite the consultation being clear that this would be an allowed option of last resort

- one awarding organisation commented that VTQCov6.1 was too prescriptive in relation to there being a single point of contact for centres as it did not allow for awarding organisations' existing processes for managing large numbers of centre relationships

- an awarding organisation commented that VTQCov7 should more explicitly link to the 5 principles to make their importance clearer. They felt including the principles as part of this section may make them clearer. They also commented that VTQCov10 should make clearer that offering access to assessments in autumn 2020 is part of 'business as usual'. They commented that the guidance issued for 'out of scope' qualifications suggests that only three assessment options are available – predicted grades, adaptation or delay, and suggested that a 'business as usual' option could also be part of this mix

- one awarding organisation queried whether there was a typing error in VTQCov9.5(a) where a word appeared to be missing after the word 'relevant'

- one centre commented that VTQCov10 should allow for assessment opportunities in December, not just the autumn, to allow students to maximise assessment outcomes

- one awarding organisation commented that there was overlap between the 5 principles set out in the framework, which would need to be addressed to allow them to be met and interpreted consistently

- an awarding organisation made a number of drafting comments on aspects of the detail of the wording of the proposed framework. The awarding organisation suggested ways in which the drafting of specific requirements could be improved to make them clearer and easier to follow and ensure that they are interpreted by awarding organisations in a consistent way

- one centre commented that it thought the 5 principles referred to in the framework were perfect

5.17 Equality Impact Assessment

Question 23: Are there other potential equality impacts that we have not explored? If yes, what are they?

We received 335 comments in response to this question.

Forty-four respondents made comments relating to access to equipment and resources, commenting that not all students would have access to the equipment needed to access adapted or remote assessments. These comments included:

- one organisation commented that as not all students would be able to access remote assessments, it would be important for there to be calculated grades

- two teachers, responding in a personal capacity, commented that a lack of access to equipment such as laptops may mean that students would not be able to complete work needed for the awarding organisation to be able to calculate a grade

- two local authorities made similar comments, saying that students from poorer backgrounds may not be able to access remote assessments, or may only be able to do so through phones, which would be unsuitable, and may not be possible in rural areas. Three teachers and a number of individuals made similar comments relating to access to equipment and internet access in rural areas

- one teacher, responding in a personal capacity, commented that issues such as availability of equipment could affect some centres and learners to a greater extent than others. They also commented that even where learners had access to equipment, they may not be able to use it

- two teachers commented that students from lower socio-economic backgrounds may not have access to equipment and resources to complete remote or adapted assessments

- one assessor commented that the arrangements would need to take account of the impact of students taking adapted assessments in environments that were not familiar to them. This may also present access issues in terms of students having access to the equipment needed to conduct assessments

- a representative organisation made a number of comments relating to access to resources, and the need to monitor the impact on groups of students, to ensure that they were not being disadvantaged as a result

- a representative organisation commented that students taking vocational and technical qualifications often require access to additional specialist equipment compared to those taking academic courses, which they were less likely to have access to from home

A number of respondents made comments relating to socio-economic factors affecting those students taking vocational and technical qualifications covered by the proposals:

- one respondent commented that students who are disadvantaged are more likely to take vocational and technical qualifications than others. In particular, a centre commented that black and minority ethnic students were more likely to take the qualifications covered by these proposals

- a centre commented that students who received free school meals, were vulnerable, or were young carers, could be negatively affected by the approach, but did not provide further information about how. A teacher also referred to vulnerable adults being potentially disadvantaged
- one teacher commented that students in lower socio-economic groups or living in more deprived areas were likely to attend poorer performing centres, which could disadvantage these students, particularly if centres were improving, as they felt the proposals did not allow for improving centres' performance. One student commented that students may be penalised due to socio-economic factors and their centre's previous performance, but did not elaborate further on this
- two colleges, two teachers and an individual commented on ESOL qualifications. One said that they should be treated in the same way as Functional Skills qualifications. One commented that some learners would have been unable to attend their original assessment, and that some may also have been unable to retake a part of their assessment. They commented that some of the learners taking ESOL qualifications may be more financially disadvantaged than other students and may struggle to participate fully in online courses
- a centre and a teacher commented that some learners work as front-line workers and may be adversely impacted by our proposals, while others face multiple issues of deprivation, so could also be disadvantaged. They also commented that it is possible some learners would have to take on additional caring responsibilities due to the current situation. They commented that these learners may have less evidence available to access a calculated grade
- a representative organisation commented that, typically, less-wealthy learners had been able to access a much smaller part of the curriculum since the lockdown arrangements to help control the outbreak of coronavirus (COVID-19) began

A representative organisation commented that more students with protected characteristics take vocational and technical qualifications compared to general qualifications, so they are more likely to be affected by these arrangements. In relation to calculated results, they identified a number of groups for whom this might not be possible, including those that have been absent as a result of spending time in the criminal justice system, children in care who frequently move between schools and those in tier 4 Child and Adolescent Mental Health Services. They also highlighted other groups that are more likely to have high absence rates, including those on free school meals, travellers, and those with SEND. In relation to adapted assessments, they commented that while all groups would be disadvantaged, some may be more so due to the impact of coronavirus (COVID-19) on different groups. They also commented that students from low socio-economic backgrounds were more likely to be educationally disadvantaged by school closures and lack access to technology or other resources.

An awarding organisation commented that some groups of learners were less likely to have evidence available on which to base a calculated grade. These could include learners who move frequently, for example members of a travelling community. Another awarding organisation also referred to the children of service personnel being affected as they may also move frequently.

Twenty-two respondents made comments relating to students with special educational needs, and how their needs need to be taken into account when adapted assessments are being considered. Comments made included:

- one representative organisation commented that some groups of learners may be less able to access remote or online resources, for example those with visual or auditory disabilities. A representative organisation commented that adapted assessments may disadvantage some deaf candidates, particularly if no specialist input has bene involved in designing the assessments. In particular, they commented that where online assessments are used instead of face-to-face, it would be important to ensure that appropriate language was used and that BSL translations were available

- an awarding organisation commented that adapted assessments may be less accessible to some groups of learners with protected characteristics, depending on the nature of any adaptations that are made

- an awarding organisation commented that there are cost, time and other limitations associated with making adapted assessments available and it would be important to be realistic about what is possible

- one respondent commented on the need to consider students with specific reasonable adjustments, such as additional time, and how this would be accommodated in the proposed arrangements. Another respondent commented that students who would have had adjustments, such as a reader or extra time, could be disadvantaged as it would not be possible to predict how they would have performed with that adjustment in place

- one teacher commented that for SEND students, the most reliable form of evidence was likely to be previous work so this would need to be considered when calculating grades

- a head teacher commented that qualifications at foundation learning level should be calculated so as not to disadvantage SEND learners

- a teacher commented that some SEND learners are not entered onto courses until they have completed all of their units, so may be disadvantaged as they will not have completed as many units as they might have done had they been in a school

- two teachers, responding in a personal capacity, and a centre responded to say they agreed that it was important to take account of the needs of SEND students, and that teachers would be best placed to do this and that the proposals allowed for this

- one centre commented that for some centres, their performance may not be predictable, particularly, for example if the centre has a large number of SEND students which could distort statistical predications

- a centre commented that some SEND or disadvantaged learners may not engage with any adaptations to on-line assessments

- one awarding organisation commented that it was possible that some forms of adapted assessments could have beneficial impacts for SEND students. One individual commented that not all SEND students should be treated the same, and some SEND students are high attainers

- an awarding organisation commented that where calculated grades or adaptations weren't possible, special consideration may also need to be applied
- an awarding organisation commented that there would be value in the provision of clear and consistent guidance to centres which is informed by disability experts, so that the derivation of Centre Assessment Grades is applied consistently and fairly for learners with SEN and/or disabilities. The guidance could also include information on how to ensure the consideration given by centres goes beyond the protected characteristics and support centres to consider a wider range of socio- economic issues. The awarding organisation also commented on how, for the various sources of evidence used to calculate grades, consideration for learners with SEN or disabilities could be taken into account
- an academy chain commented that calculated grades were preferable to adapted assessments as the calculations could factor in the likely impact of reasonable adjustments that would have been in place for the learner
- a centre commented that students retaking assessments in autumn may be disadvantaged as they may not have access at that point to specialist support during their normal planned learning

A representative organisation commented that students with SEND are likely to be affected by adapted assessments and also more likely to be affected by assessments that are delayed. The impact of being unable to progress in the absence of a result this summer may be greater on these students than others, as often they have faced greater difficulties to get to the point they are at. They also commented that some of these students may be unable to take delayed assessments in autumn, as they may fall into the groups most vulnerable to coronavirus (COVID-19), so may be among the last to see restrictions lifted.

Twenty-two respondents, including 9 teachers responding in a personal capacity, 3 individuals, 5 centres and 2 representative organisations commented on the need to ensure that any arrangements were fair for all age groups, including those that would take assessments in future years (for example those in years 9, 10 and 12):

- respondents commented that it would be important that these learners were not disadvantaged as a result of all assessments having to be taken by these students in the second year of their courses, rather than being able to be spread them throughout the 2 years
- one respondent commented that the impact on students sitting exams a year early would also need to be considered
- one centre commented that some of these learners may be resitting assessments and their final grade would need to be based on what they would potentially have got through a resit, not the original grade which they were seeking to improve
- a centre commented that learners part way through a two-year course should also be entitled to receive a calculated grade

A representative organisation commented that where reasonable adjustments cannot be made to adapted assessments for disabled learners, it will be necessary to be able to justify why such adjustments are not reasonable.

A representative organisation commented that the impact of these arrangements on future years who have missed study this year should also be considered to make sure that future groups of students are also not disadvantaged.

One awarding organisation commented that equality impacts are a key area of focus for any adjustments they make. They commented that there is a balance needed for learners who need the qualification for progression purposes, and that they agreed that delaying assessments should be a last resort. They commented that equality impacts for individual learners would need to be considered on a case by case basis.

One teacher, responding in a personal capacity, commented that they thought the Head of Centre should make a specific declaration in relation to having complied with equalities law.

One teacher, responding in a personal capacity, commented that there may be internal or external factors affecting some students which have only been identified since centres were closed, which would also need to be considered.

Respondents also commented on wider factors that could potentially disadvantage some groups of students:

- one teacher responding in a personal capacity commented that there could be cultural, emotional and social barriers, including for students that had lost a loved one
- an individual commented that there could be students whose domestic situation disadvantaged them, but without specifying in what way
- a teacher, who responded in a personal capacity, commented that the impact on single parents could be particularly high during this time
- a student commented on the impact on mature students with childcare responsibilities

Three teachers commented that there could be groups of students for whom the data necessary to calculate a result did not exist, for example because they had previously lived in other countries. A teacher commented that students who started courses late, or who had missed part of their course, for example due to ill health, could be disadvantaged as a result of not having generated sufficient evidence from which a result could be calculated.

One student commented that if assessments were delayed, it was possible that some students may not be able to take these assessments as they may have moved away from the area or centre where they had been due to take the assessments.

One respondent commented that students with temporary injuries may need to be accommodated within the arrangements.

Two teachers commented about qualifications and assessments with practical elements. They noted that it was possible that some students who might normally have support for undertaking these, might not have (or have had) access to such support. They said that this might leave a 'gap' which would need to be bridged in future years.

One organisation commented that it would be important that the arrangements could be applied to learners with learning difficulties or disabilities (LDD) within offender learning. An organisation and two individuals commented that there should be more emphasis on prison education which often works differently to mainstream

education. Another individual also commented that offenders need special consideration as they often have a higher rate of LDD than mainstream education.

Two individuals commented that BAME and students receiving free school meals may be disproportionately affected by these proposals, but did not explain how.

A centre commented that many learners taking healthcare qualifications could have been called in to work additional hours so may not be available for studying and assessments. They commented that many of the students taking such qualifications are female and juggling this along with other childcare and home demands.

Three representative organisations commented on the need to monitor the impact of the proposals on students with protected characteristics, and relating to their socio-economic background. They said that it would be important to monitor how the approach was working in real time, both to ensure the process was fair, and to understand the long-term impact of the proposals. One awarding organisation commented that while flexibility was necessary given the wide range of qualifications covered by the consultation, it would be important to monitor the approaches being taken by awarding organisations.

One representative organisation commented on differences that may exist across England, Wales and Northern Ireland due to differences in the equality legislation. They also commented that due consideration must be given to candidates who are on the child protection register, homeless, 'looked after', suffered recent bereavement or illness.

A representative organisation and two awarding organisations commented that awarding organisations would need to conduct their own equality impact assessments, and should ensure that no unconscious bias was present in calculation of grades. They recommended that an equalities declaration is part of any data submission to awarding organisations by centres. An awarding organisation commented that guidance to centres on how to calculate grades should include practices required to minimise bias.

An awarding organisation commented that many awarding organisations do not routinely collect data on whether or not students have protected characteristics, so even if data were collected this summer, there would be no data with which to compare it. They also commented on the complexity and difficulty of collecting such data, some of which may need to be collected directly from students.

A number of respondents made comments that related to issues they perceived to be related to equality, although not directly linked to protected characteristics:

- twelve respondents made comments in relation to mental health issues, including anxiety caused by the current situation and lack of certainty about how learners would get results. They also commented that students could be disadvantaged if they did not have access to their normal support
- one individual commented that it would be important to ensure that candidates who did not fit the criteria of having protected characteristics (for example ill health) were covered by any arrangements
- one teacher, a centre and one individual commented on the potential impact on students with an Education, Health and Care Plan (EHCP) and social, emotional and mental health (SEMH) needs who may not ordinarily be able access all of the timetable for a course. Some of these students are

not diagnosed, and are not considered to have a protected characteristic, but could still be disadvantaged and that any arrangements should seek to minimise this

- one individual listed a number of groups that could be affected, without identifying how. These groups included those: affected by difficulties in accessing learning; with mental and emotional wellbeing issues and/or physical health issues; young people at risk of becoming not in education, employment or training (NEET); and those engaged with the type of provision offered by 'alternative' providers

A number of respondents made comments in relation to private candidates:

- one respondent commented that some qualification delivery models mean that all students are considered to be private candidates, and the Head of Centre is unlikely to be able to provide accurate centre assessment grades, so such students could be prevented from receiving a calculated grade

- eleven respondents, including 8 individuals and a teacher, made comments relating to the impact of the arrangements on private candidates, saying that they were not being treated equally under the arrangements. One individual commented that students that worked away from the classroom may be disadvantaged as a result of not having the same evidence available as other students. A teacher commented that not being associated with a centre should not disadvantage a student

- two students, one of whom was a private candidate, commented that students resitting assessments should also be eligible to receive a calculated grade. One individual also commented on resits saying that it would not be fair for resitting if information on their past performance was used as a basis for a calculated grade

A number of respondents made general comments that did not relate specifically to our equality impact assessment, nor identify additional equality impacts. Where this is the case, these have been considered instead against the relevant proposals in the consultation.

Question 24: Do you have any views on how any potential negative impacts on particular groups of students could be mitigated?

We received 551 comments in response to this question.

A number of respondents made comments relating to learners that were not due to complete qualifications this year, but who were due to be taking assessments, in particular those currently in years 10 and 12:

- twelve teachers responding in a personal capacity, 3 individuals and 4 centres said that they felt these students should be treated the same as those that were due to complete assessments this summer and be given teacher predicted grades

- two teachers and 1 headteacher, responding in a personal capacity, suggested that assessments for current year 12 students should be scaled down depending on how long restrictions are in place for. Two teachers also suggested shorter assessments for remaining units, or the removal of some units all together

- One teacher commented that students in years 10 and 12 could be given an extra funded year to complete their qualifications
- One teacher made similar comments, but relating to students now in year 10, who had started courses in year 9, so were due to finish this summer. They commented that they should be treated the same way as students in year 11 who are due to complete this summer

A number of respondents made comments relating to the fact that teachers and centres are best placed to provide calculated grades and their input should be used to help prevent students being disadvantaged:

- one teacher, responding in a personal capacity, commented that it would be helpful for teachers to provide a breakdown for how they have predicted results, which may help where learners performed less well in some units as a result of a disadvantage arising from a protected characteristic
- one teacher, responding in a personal capacity, commented that where students had missed time during the year as a result of an illness or disability, teachers should be able to predict how they would have performed in those units they had missed in order to calculate a grade
- three teachers and 2 centres commented that the responsibility should be on centres to ensure that calculated grades did not disadvantage learners as they were best placed to do so
- one teacher commented that they should declare the fact that a student has protected characteristics when they submit their predicted result, to allow this to be taken into account
- a teacher, responding in a personal capacity, and 2 centres commented that teaching assistants often have the best understanding of the extent to which SEND students may be disadvantaged and that their views should also be taken into account. A centre commented that teacher assessments should be used for the grades for SEND learners, to prevent anxiety for them about being disadvantaged. One centre and 2 individuals commented that teachers working with students with specific needs are likely to understand these needs, perhaps more so than teachers in other schools understand their students, and therefore they should be trusted to make such judgements
- one individual also commented that learners would have evidence recorded through professional independent providers with evidence inspected by Ofsted and audited by awarding organisations, which could be used
- a teacher commented that each centre should be allowed to submit a statement to explain any irregularities in the calculated grades submitted to help awarding organisations consider over or underperforming grade profiles as part of their calculations.
- a centre commented that awareness of conscious or unconscious bias should be a part of the monitoring and sign-off process within centres
- a centre commented that the process should trust the professional judgement of staff (backed by an appropriate amount of evidence already held at centre level) as regards to what their students would have been able to achieve

A number of respondents commented on actions awarding organisations could take to prevent students from being disadvantaged:

- one teacher, responding in a personal capacity, commented that awarding organisations should be able to make decisions on an individual basis to ensure that learners are not disadvantaged
- one teacher commented that awarding organisations should compare results for students with previous results to ensure that there is no bias in predicted grades
- one individual who works for an awarding organisation but was responding in a personal capacity commented on specific types of statistical analysis that could be conducted to ensure that students were not being disadvantaged
- a teacher responding in a personal capacity commented that standardisation would need to take account of individual centres, and not just be carried out at a national level
- an individual commented that awarding organisations should also make use of Inclusion Co-ordinator and Special Educational Needs Coordinator reports, in addition to historical grades
- one centre and a teacher commented that awarding organisations should be given complete flexibility in how they calculate results in order to ensure that no one is disadvantaged

A number of respondents commented on the work that should be used to inform calculated grades:

- one individual commented that all work should be considered, not just that which had been completed recently. Two centres and 2 teachers commented that only work that was completed before the lockdown should be considered when predicting grades. One teacher and a centre commented that only work from the first two terms should be used. They also commented that for licence to practice qualifications, it should be possible to achieve the qualification, but for it not to be a licence to practice until further work or experience has been evidenced at a later date
- a teacher responding in a personal capacity commented that it would be necessary to consider the extent to which performances inform grades for performing arts subjects, as often these cannot be completed solo
- one teacher commented that it would be important that the evidence used to calculate grades was consistent across awarding organisations so that all learners have a chance to achieve their qualifications and are not impacted by individual circumstances
- one awarding organisation commented that it was important that centres had sufficient time to gather evidence on which to base calculated grades. It commented that centres should be allowed to continue to deliver their own internal assessment to inform their calculated grades

Respondents commented on ways in which data should be used as part of calculated grades:

- one teacher, responding in a personal capacity, commented that statistical modelling of outcomes should be used as both a separate data set, and

within the main data set. A centre commented that ranking should only be done in small cohorts

- a representative organisation commented that statistical approaches can adversely affect centres with small cohorts compared to centres with a normal distribution
- a centre commented that it believed professional judgements should carry greater weight than statistical modelling in calculating grades
- a centre commented that the use of key stage 2 data in calculations could disadvantage students who have made significant improvements in their performance

Some respondents commented on what arrangements should be in place following the issue of results:

- one teacher said that it should be possible to change grades after certification, where students provided medical evidence afterwards that their performance had been affected by mental health issues relating to the lockdown
- one centre commented on the need to be clear about what resit or appeal arrangements would be available after results are issued for students who may have been disadvantaged. One individual commented that the existing appeals arrangements in place would be suitable to manage any potential disadvantage
- one organisation (a higher education institution) commented that closing down the grounds for appeals could disadvantage some students, including those in the most disadvantaged groups and private candidates
- a teacher commented that an assessment opportunity could be made available in September/October. Another respondent commented on the possibility of assessments being made available additionally in January. Another individual also commented on the need to make additional assessment opportunities available
- two individuals and an organisation commented that delaying teaching and assessments until restrictions have been eased may be the most appropriate approach in some cases so as not to disadvantage learners. One organisation commented that there should be no penalty for students who, after receiving a calculated grade or taking an adapted assessment, decide to take a normal assessment at the next available opportunity
- one teacher and 1 individual commented that universities should be directed to be flexible in their approach for students who may have been disadvantaged in taking their assessments, or been unable to receive an assessment result
- a centre commented that universities should accept statements from centres relating to the grades that students achieve. A university commented that there should be proactive engagement with universities and employers to support students who are due to progress
- a centre commented that students with SEN of who receive free school meals may not have the support from home to learn or appeal decisions made by awarding organisations. They commented that these students must be supported

- a teacher, responding in a personal capacity, commented that students on a course giving both a licence to practice and UCAS points could be awarded UCAS points without the licence to practice and then allowed to complete the licence to practice element at a later date

- a centre commented that where learners are disadvantaged as a result of a protected characteristic, then they should be prioritised for autumn assessments if they are unhappy with their grade

- a representative organisation commented that guidance should be produced which could be issued with results to help explain the arrangements and to help students answer any questions they are asked in future about their results from this summer

- a centre commented that for some vocational and technical qualifications it may be necessary for students to retake a year

- a representative organisation commented that students should be able to appeal on the grounds that they feel they have been discriminated against and that any guidance on appeals should refer to this, with appeals monitored by protected characteristic, including where some groups appear to be under represented

A number of respondents commented on the need to ensure that previous poor centre performance in improving centres does not negatively impact learners:

- two centres, a representative organisation and a teacher commented that centres should be able to provide evidence of improvement in centre performance, to ensure students aren't disadvantaged

- a centre commented that awarding organisations should take account of assessment grades which had already been marked and moderated and that centre predictions should be judged against these rather than previous centre performance

- a centre commented that other evidence of centre performance should be used to ensure that improvements in performance are recognised and do not negatively affect students

- one teacher who made similar comments also noted that often students from lower socio-economic backgrounds are most likely to be attending poorer schools, which are the ones most likely to be improving

- a teacher, responding in a personal capacity, commented that negative impacts on learners with special educational needs and mental health needs could be minimised if you do not consider previous years' results for special schools, as the profile of student coming through year on year can change so much.

- one centre commented that it was concerned that if results are moderated by awarding organisations based on previous results, this could disadvantage groups of students at schools that have improving results this year

Respondents commented on actions that could be taken to prevent private candidates from being disadvantaged:

- one student commented that private candidates should be able to be assessed within large centres. A parent commented that centres should include all private candidates with whom they have long-standing

relationships. They also suggested that universities should accept private candidates on the basis of predicted grades

- one individual commented that for students who would normally resit an exam following results of the January session, but did not have a chance to be registered because of lockdown, centres could be asked to provide a list of those likely to resit and it could be cross-referenced with data from previous years

- another individual, commenting on private candidates, said that centres should not be allowed to withdraw private candidates unless other acceptable arrangements were in place for these students. They also commented that where private candidates have a personal relationship with their tutor, this was unlikely to lead to an unfair advantage, as the tutor would be better placed than a teacher with multiple students at a school, to predict a grade, and that their professional integrity would ensure that calculated grades were fair. They also commented that since the number of private candidates compared with others is small, it is unlikely to impact overall calculations, but not allowing private candidates to receive grades would disproportionately disadvantage this group of students

Respondents commented on arrangements for students who could not access remote or adapted assessments:

- two local authorities commented that students could be provided with dongles to provide connectivity and enable them to access remote assessments. A teacher also made comments about the provision of necessary materials to students at home

- one centre commented that as far as possible, assessments should not only be made available online, to avoid disadvantaging students who cannot access these. An individual commented that awarding organisations should discuss needs with providers and provide support for them where possible

- a centre commented that where SEND students could not access adapted assessments, it was important they were not disadvantaged and that alternative arrangements could be made to enable them to receive a grade

- a representative organisation commented that Ofqual should provide guidance to ensure that specific groups, such as deaf students, are not disadvantaged. They commented that where centre assessed grades were used, it would be important that these are informed by input from SEND specialists. They said that centres and awarding bodies should be required to publish what sources of evidence they have used to calculate grades

A number of respondents commented on the scope of qualifications covered by the framework as they felt certain groups of students were more likely to take some types of qualification. These have been considered alongside other views in relation to the scope of qualifications to which our framework applies.

A representative organisation commented that as far as possible, Ofqual's equality analysis should disaggregate the experience of learners by their protected characteristic, as not all learners with the protected characteristic of disability or race, for example, will have the same experience or outcomes.

An awarding organisation commented that since data on protected characteristics was not collected, it would not be possible for awarding organisations to conduct their own equalities impact analysis on the outcomes, other than through the use of data they already hold. The awarding organisation also commented that it would be helpful for there to be guidance on minimum requirements for the accessibility of onscreen assessments.

A representative organisation commented that Ofqual should provide guidelines to awarding organisations to ensure that appropriate specialist input is considered in decision making about adaptation and the calculation of grades.

A representative organisation commented that it believed anything other than a calculated grade would be unfair for certain students and that it believed the use of adapted or delayed assessment should be avoided at all costs. They said that where a calculated grade is not possible, it must be open and transparent that this was the case. They also commented that where assessments were being taken at a later date, some students may need longer than the autumn term in order to prepare themselves for rescheduled assessments.

One teacher commented that special consideration should be given to pupils who have been permanently excluded from mainstream and find themselves in a short stay school, pupil referral unit or alternative provision, where the staff do not have assessments or historical work to inform predicted grades. A centre also commented that data should be used to review the grades of students taking assessments in these settings.

Three respondents commented that students resitting assessments should also be given predicted grades, to prevent them from being disadvantaged. One individual commented that first sittings are often used as a 'dry-run' with students resitting in the summer for their 'real' assessment. Such students could be disadvantaged if they do not receive a calculated grade.

One teacher, responding in a personal capacity, commented that single parents could be disadvantaged and it would be important to ensure support was available for them, but did not comment on what support this might be.

A head teacher commented that awarding organisations should not be allowed to carry on as normal to prevent some students being advantaged or disadvantaged compared to others. Conversely, another centre commented that where assessments can go ahead as normal, they should. One teacher, responding in a personal capacity, commented that coursework should be checked, submitted and sampled in the way that it would normally have been.

Two teachers, responding in a personal capacity, a representative group and 2 centres commented that qualifications should be amended so that not all assignments or units needed to be completed.

A college commented that the implementation of the framework would need to be scrutinised by Ofqual to ensure there was consistency across awarding organisations in the same occupational areas.

An academy chain commented that efforts must be made to provide calculated results for the most disadvantaged cohorts of learners and those with the lowest prior attainment, who were most likely to be disproportionately disadvantaged by attempts at adaptation or delay.

A number of respondents provided comments in support of the approach being proposed. These comments included:

- a centre noting that the fact that the relevant groups have been engaged with as part of this consultation provides reassurance that potential negative impacts have been identified as far as is possible and has informed decision making
- a representative organisation noting that it is reassuring that Ofqual is liaising with higher and further education providers to consider the steps that providers could take when making admissions decisions this summer for any learners who have not received a result. They commented that the guidance should perhaps place a stronger emphasis on the stated encouragement of awarding organisations to conduct their own equality impact assessments
- A centre suggesting that awarding organisations should conduct their own equality impact assessments as part of their approach
- An awarding organisation commenting that it welcomed Ofqual sharing findings of good practice in this area, as they work to identify the ways to best meet the needs of specific groups of learners

Respondents made a number of other comments that did not relate to the equality impacts covered by this question. Where this is the case, these have been considered against the relevant proposals.

5.18 Regulatory Impact Assessment

Question 25: Are there any regulatory impacts, costs or benefits associated with the implementation of this framework that are not identified in this consultation? If yes, what are they?

We received 953 responses to this question. One hundred and forty-six respondents said they had identified other impacts, costs or benefits, while 808 said they had not. Two hundred and four comments were provided to this question. Practical considerations and avoiding disadvantage to any categories of learner were high in respondents' thoughts.

A wide range of respondents including awarding organisations, representative bodies, centres, exams officers and teachers said that that preparing for an additional assessment opportunity this year in the autumn will incur expense and significant staff time. Activities required could include the development, printing and distribution of assessment materials, marking, moderation, and contracting and training of markers and assessors. Exams officers mentioned the cost of invigilation at a time of year when this resource may not be as readily available in-house and other centre staff noted potential costs associated with assessing work during a lockdown period. A representative body and a number of awarding organisations said that in their view examiner and assessor services may become more difficult and more expensive to secure.

Other potential regulatory impacts, costs and benefits were noted by awarding organisations and one of their representative bodies.

Several awarding organisations explained that they are having to respond with skeleton staff in place as they have furloughed some or the majority of their staff.

Many awarding organisations told us that they will have increased costs of processing and quality assuring estimated grades from centres in terms of IT resource, updating processes and operational and assessment staff. Several awarding organisations agreed the main impact is additional staff time to put emergency planning in place, and that there will be a significant resource in training staff, supporting centres and employees, and producing new resources. One awarding organisation explained that it has made its online resources available free of charge and had therefore lost a revenue stream.

Other specific increased costs mentioned included the costs associated with post-result enquiries and appeals. Several awarding organisations anticipated the volume of enquiries and appeals will increase in comparison to previous years and that the impact and costs are not limited to the end of this framework.

Awarding organisations told us that this is all likely to impact on normal activities, and that the cost impacts will go on well into next year. They said they may need to make adjustments to their processes and systems to account for any on-going impact on candidate performance in assessments. One awarding organisation asked that, although the Statement of Compliance for 2020 has been suspended, it would be extremely beneficial if we could give any indicative timeframe around when this suspension might be lifted, to further enable organisations to assess the regulatory impact of the emergency framework.

Other changes awarding organisations told us about that will add cost are changes to the system for recording results, changes to the process and additional time for managing the process, certification processing at a later point, developing a new appeals process, testing new awarding models, and training staff to implement new systems and processes and in, some cases, developing new skills as they take on different duties.

Many awarding organisations told us that their focus on supporting learners and centres during this unprecedented period is significant. An awarding organisation told us that delaying assessments poses a particular threat to the sustainability of providers and awarding organisations, both in financial terms and in resourcing qualified freelance and salaried staff. Ensuring centres' plans are understood and what their revised operations will be is crucial. Linked to this, respondents sought greater clarity in relation to the requirements, so they are clear about the information they are required to provide to centres and learners.

An awarding organisation told us that the key benefit of the VTQ COVID-19 Framework would be if it can enable the continuation of assessment, as well as the awarding of results, during the coronavirus (COVID-19) restrictions, as this will mitigate against any detrimental impact of longer-term skills' shortages. On the other hand, a small awarding organisation responded that it could see no cost benefits from the implementation of this framework as it will have to operate the extraordinary framework alongside the General Conditions of Recognition.

One awarding organisation identified a benefit in that, for them, it has hastened their move to online delivery. They noted that this has the potential to make their, and their centres', operations more efficient and affordable.

Another awarding organisation noted that decisions around other regulatory arrangements (for example the delay to submitting performance table qualification

assessment strategies for review) has enabled it to reallocate resources to cope with the extraordinary certification.

A considerable number of comments were provided by centres – schools, colleges and training providers – by individual staff including teachers and exams officers in a personal capacity or on behalf of the organisation. Comments were also received from a range of representative bodies, from higher education, other education providers, local education authorities, parents and students. They identified a number of potential additional costs and impacts and, in a few cases, suggested savings or benefits. Several respondents said that it was important to be clear to different groups, including teachers and students, that there would be an impact on them.

A number of themes emerged from the responses:

- the impact on students and the support they might require
- the impact on centres and the support they might require
- issuing calculated grades and delivery of assessments, including quality assurance

Impact on students and the support they might require

- a number of respondents said that a range of additional support (both personal and academic) is likely to be needed throughout 2020 into 2021 for students who have missed out due to current restrictions and may be dealing with outcomes to assessments not completed in ideal circumstances
- several centres noted that as there is uncertainty about decisions on whether teacher calculation is to be applied to some qualifications, this is impacting on student motivation as some centres remain focussed on preparation for summative assessment
- a number of students noted concerns around impact on progression and on student finance such as eligibility for loans, particularly where their assessment is delayed. A centre and a student noted that learners studying with private providers may need more support from awarding organisations to ensure they are not disadvantaged financially
- a centre stated that the financial impact in the consultation document did not take into account the concern that where a calculated grade cannot be awarded because of insufficient evidence, some students might have to repeat a year. For fee-paying students, the financial impact would be substantial, as they would have to pay fees for a second time, alternatively, centres might have to waive fees, which would impact adversely on them
- a number of centres voiced concern about the impact delayed assessments would have on new cohorts as well as those dealing with the delays, and that both groups of students might need additional support to ensure they are able to access their education effectively
- a centre suggested that where the decision is to delay, students will feel under pressure to complete their qualifications at the earliest opportunity, despite a gap in their learning
- a teacher noted that if learners have to continue a course in the autumn, they will have to bear costs which could relate to employment, travel or

postponement of further or higher education in another location, particularly if needing to secure accommodation

- several students said that there is uncertainty for students where work placement was their core aim. They may also be worried where this is an inability to gain evidence for the competence part of qualifications

- a number of teachers said that the proposals impact on current year 10 and 12 students, who may have reached different points in their qualification, but are to be treated similarly in terms of the proposed approaches

- some students also said they were concerned about the impact of potential misuse of processes and that grades might be awarded unfairly which would disadvantage some learners

- a teacher suggested a possible impact to learners also in employment, that if they cannot pass any areas of their qualification, achievement-related pay increases for them might be affected

Impact on centres and the support they might require

- a number of centres said that there would be burden on providers as there will be a need to familiarise themselves with guidance issued by awarding organisations, as well as then communicating this to staff and training them as required

- many centre and teacher respondents mentioned potential costs relating to providing additional resources to support students to prepare for assessments, and also to bringing additional staff to deliver pre-assessment training where learners have missed a term of content. Some centres and teachers also suggested that teaching may have to continue into the summer. A number of respondents suggested that the staff time to cover additional teaching is funded

- centres and teachers also noted that they will have to potentially deal with a larger volume of students in the autumn term when new cohorts are supposed to start their qualifications, as they will also have students returning to complete delayed qualifications. It was also suggested that if social distancing rules are still in place, this will compound this impact

- several centres and teachers noted the additional pressures on staff, especially where there may only be small teams responsible for the delivery of specialised qualifications, and with the potential that some staff are likely to be required to remain in isolation, for example because they were shielded

- a number of representative bodies, centres and centre staff raised administrative concerns. These included that centres will need to be able to enter students simultaneously for 2 qualifications at different levels, but that this is currently not allowed. It was stated that it would be unfair on students if they have to wait to complete 1 qualification before they can begin on the next. Centres were also concerned about funding implications and how they would deal with students whose eligibility for types of funding change, mostly because of age, while they have not completed a qualification they began through no fault of their own

- another administrative concern raised was in relation to applications for access arrangements, where 1 respondent proposed suspending normal

requirements for collation of data and re-assessment of needs in order to help centres deal with potentially higher volumes of students

- one centre noted that if students are required to return to centres, alongside new cohorts, there may be a lack of suitable accommodation

- a number of students, centres and a representative body were concerned that if work placement requirements are rolled over to the new academic year, there will be pressure on centres to find enough suitable opportunities

- a local authority pointed out that there would be other specific additional costs for centres, which included: costs of travel for carrying out assessment to learners in isolation; the cost of provision of personal protective equipment required for visiting learners; additional cleaning requirements; and associated IT costs

- a number of teachers and centres felt that there is likely to be an increase in the number of requests for resits, and that centres would have to accommodate students wishing to resit alongside those with delayed assessments and those starting a new academic year. They said this would increase demand staff in terms of teaching and student support, and put pressure on accommodation

Issuing calculated grades and delivery of assessments, including quality assurance

- a number of centres and a representative body stated that there will be additional costs for adapting assessment processes, for example, supporting learners to access learning and assessment through digital devices which they may not already have. Other costs mentioned included additional IT development costs, staff training and support and additional staff wages incurred, for example, because of additional time needed for gathering of evidence or in preparation to be able to deliver online assessments. It was also noted that there may be additional costs if assessments are delivered in the summer and staff are required to be brought in to support the process

- several centres and teachers said that there would be additional costs to deliver practical assessments in centres and maintain social distancing measures

- centres and their staff commented that the impact of additional assessments will impact on the availability of teaching staff, require additional invigilators, and will be challenging to accommodate. One respondent suggested it might not be possible to use their centre to deliver the required assessments if they wanted to not disrupt teaching

- a number of respondents in this category told us that centre costs will be significant as time is required to devise processes and carry out data collection and internal quality assurance for the process for issuing calculated grades

Quality assurance and appeals

- a number of centres and centre staff were concerned whether, with an increased number of autumn assessments, there would be sufficient assessors and verifiers available as this is not usually a high-volume time of year for assessments

- some centres noted that with delays from this year, and cohorts continuing assessment in the next academic year, there will be an increased workload all through the year. It was suggested that this will particularly have an impact on the scheduling and undertaking of external moderator visits. One respondent proposed that non-examined assessment submissions this term should be based solely on teacher grade

- one centre suggested they may need to employ independent assessors to assess all projects undertaken to ensure a level playing field. Some centres hoped that awarding organisations may be able to continue to sample work remotely but only if the centre can provide the work electronically

- several respondents anticipated the volume of enquiries and appeals will increase in comparison to previous years. A small number of teachers anticipated that centres may have to hire more staff during results days in August to support learners and manage the process

Other impacts that were mentioned include:

- a representative body suggested that it is important to recognise there may be implications for confidence in qualifications which might result in people either deciding to retake qualifications or having to invest in further training in a later date. Another representative body along with a centre also looked at longer-term impacts, suggesting that some employers may feel that they need to test and check the actual skills and knowledge of potential employees even if they hold a particular qualification, in the knowledge that some elements of it may not actually have been assessed or taught in the usual way

- some respondents mentioned potential issues for specific markets, for example the overseas market where there could be potential restrictions on the approaches that could be taken by a local regulator or funding agency

- a local education authority said that there is likely to be additional costs for those students who have to return to their centres to continue their qualifications when this was not originally planned. They said that costs to them for sending students back to centres to take exams or complete practical assessments will involve residential and transport costs, teaching costs and revision support

A number of respondents identified areas of savings and/or benefits. They suggested that:

- money could be saved if the amount of marking is reduced

- fees could be reduced if no moderation needs to take place

- expected costs can be recouped and depending on contractual arrangements some costs may be recoverable or avoided, for example, exam paper printing, copying and postage

- some teaching costs may be negated depending on the levels of support that have been provided remotely to learners during this time

- the framework brings a benefit around ensuring fairness to learners through its requirements on awarding organisations and its flexibility

Question 26: What additional costs do you expect you will incur through implementing this framework? Will you save any costs? When might these costs and savings occur? Please provide estimated figures where possible.

We received 432 comments in response to this question. Many of the comments received noted that the respondent wasn't confident in predicting either costs or savings, and that it may be too early to say what the costs might be because it could depend on any approach taken by an awarding organisation.

During our consultation, the Federation of Awarding Bodies (FAB) surveyed members on these issues, receiving 42 responses. They said that 51% of respondents estimated that the alternative arrangements for this summer would cost between 25 and 50% more than business as usual. 21% of respondents estimated that the arrangements would cost between 50 and 75% more than business as usual. One respondent estimated that the arrangements would cost 75% more than business as usual. FAB said that from informal discussions with awarding organisations, cost savings on, for example, marking, are not countering the significant extra costs incurred in upgrading or investing in IT systems, training staff and developing new assessment guidance.

A number of awarding organisations noted that while there may be some reductions in costs, it is also important that we consider the reduction in income generation from registrations as well – for many, such registrations are usually spread across the year. Several noted that they expect reduced numbers of learners in coming months and possibly longer. Many awarding organisations highlighted that in many cases any savings are being offset by additional costs.

Additional costs noted by awarding organisations included:

- costs of implementing new approaches and processes at haste
- adapting assessments and ensuring they are sufficiently robust
- cost of remote proctoring assessments, including establishing contracts
- impact of assessor to learner ratio reducing, leading to fewer learners being assessed in any 1 sitting or more assessors needed
- additional staff time for implementing and delivering calculated results processes and adapted assessments including quality assurance
- staff training to accommodate for any changes to external quality assurance processes
- costs of providing additional support and guidance to centres, especially around the processes for gathering evidence, estimating grades and calculating results
- attending meetings and webinars with the regulator
- developing additional test items to account for the move to on-demand testing and a need for a larger item bank
- additional resources for moderation and validation of alterative assessment decisions and for quality assurance of calculated results
- implementation of changes to some forms of Centre Assessment Standards Scrutiny

- the need to undertake manual input where automated systems cannot be used
- longer staff hours, and delays to other areas of work
- investments in new technology, or in updates and system alterations to allow for extraordinary measures
- cost associated with an implementing an autumn assessment series
- handling potential increased numbers of appeals
- changes in processes for the identification and investigation of malpractice and maladministration
- moving awarding and standardisation processes online where they have previously been undertaken face-to-face
- changes to procedural documentation including specifications and assessor guidelines

Several awarding organisations told us that the extra work will have to be absorbed by existing staff, but one respondent pointed out that the competencies required to deliver assessments normally and to deliver calculated grades are different and not easily transferable and another said that additional training will be required.

Few awarding organisations were able to respond with exact costings, as they said that this is difficult to quantify without more in-depth analysis. One suggested that with the added requirements of recording detailed information and further monitoring activities, operating under the extraordinary framework would cost in the region of £10,000, but others mentioned higher figures. One awarding organisation expected the cost impact of implementing the extraordinary arrangements to lead to a 25% increase on normal costs.

A number of awarding organisations expect an increase in costs beyond the current year. One respondent expected awarding organisation costs to increase for the year 2020 to 2021 owing to a range of factors:

- a deferred peak in September/October of assessments delayed from the summer
- implementing an additional exam series if one if not already on offer in the autumn
- the extension of legacy FSQs
- having to take account of disruption to learning for the awarding of assessment outcomes, which might need to include reviews of previously set pass marks for on-demand assessments
- the potential withdrawal of assessment versions used for adapted assessments
- disruption to other planned work by deferred and additional assessments
- dealing with the impact of centre closures
- supporting different models of delivery chosen by centres

A number of awarding organisations pointed to investments to be made in technology and innovation, for example to their systems to enable changes to in-house processes and to develop assessments to be taken online. One awarding organisation said it would welcome further guidance from us on how adapted

assessments, including remote invigilation may be allowed to continue to operate after the framework has been phased out.

Some cost savings were suggested by awarding organisations. A number noted that money may be saved by not carrying out face-to-face observations and particular types of quality assurance activity. One suggested it would save on printing and exam paper distribution costs, however another said that they had already printed exam papers as this is done several months in advance. Another awarding organisation told us that some logistical activities performed by outside suppliers will be brought in-house and spread amongst its teams as required. They intended this to offset lower projected volumes of assessments taking place in the summer. One awarding organisation commented that it would never want to gain financially from this summer's extraordinary circumstances.

A range of other respondents – including centres and their staff, representative bodies, local education authorities, universities, parents and students – provided views on potential costs and savings. Many said that they were unable to estimate costs until awarding organisations' approaches were clearer, but they were able to identify areas where they were likely to have to spend more or would incur losses.

Costs for centres noted by these respondents included:

- modifying courses to deliver online and training staff to deliver remotely, with one centre saying they expected to spend £20,000 on updated their IT equipment
- sending work to learners – incurring postage costs and costs for additional resources such as copying materials
- training assessors for different approaches to assessment
- providing IT equipment to students and buying licences for use of software packages and online services
- additional software to invigilate exams, and potential additional staffing costs, as if an at-home remote invigilation exam process is sanctioned, an invigilator will only be able to invigilate one exam at a time whereas previously they could invigilate up to six exams at a time
- updating safeguarding of invigilator, as this may have run out if they have not been on site for three months and they will require top up on training
- increased administration especially around calculating results, but also for implementation of adapted assessments and generally dealing with an increased number of enquiries
- supporting the gathering of credible evidence of learner performance, which may require investment in systems and quality assurance processes, and training to use them, as well as take time
- increased teacher workload, where it is likely they will be working with more cohorts of students, and trying to catch up from missed time as well as supporting preparation for autumn assessment
- delivery of additional revision blocks of learning, including through the summer

- delivering a greater number of technical assessment competencies in the autumn term, with larger staffing costs in order to supervise these and materials costs to carry them out
- possible increased number of external verification and moderator visits
- potential to have to pay for more resits (and queries as to who should bear that cost)
- the potential impact of social distancing and transport costs for meeting additional opportunities in a rural area could be high - with increased capacity demanded on specific days (particularly if social distancing rules remain in place)
- any costs to re-register students in the next academic year
- invigilation and administration of an increased number of autumn exams
- potential for the centre to be handling more appeals (and queries as to who should bear the cost of making appeals)
- implementing social distancing measures for teaching and assessments
- providing support to students, parents and employers

Some respondents also noted that costs are being passed down from awarding organisations to centres, such as the cost of proctoring tools.

A number of respondents also highlighted that they expect the costs and losses to continue for some years.

Losses for centres were also mentioned, notably:

- the impact that loss of continuity will have on retention and progression
- lost income from on-demand courses and assessment, including Functional Skills. One respondent stated that they have already seen a negative impact of £22,000 in April 2020 due to end-point assessments not going ahead and functional skills exams not being able to take place
- a reduced number of completions or achievement payments this summer
- the potential of a downturn in student numbers for next year, with a particular risk around students who return to complete in autumn and then leave in January instead of progressing to their next level of education
- that centres may have to choose to suspend teaching to commit time to estimating and grading and dealing with delayed assessments
- planning time lost due to numerous uncertainties

It was suggested that a number of costs might be offset. Respondents said that:

- most costs and savings mitigate each other, for example, centres might still be paying rent on buildings which are stood empty but there are no cleaning or maintenance costs
- they have provided all staff with electronic devices to deliver remote sessions, which has been a huge cost but it they plan to develop blended learning opportunities in the future which will produce savings in the longer-term
- processes being implemented now should bring increased efficiencies over time
- there may be the potential to roll forward examination fees already paid

A small range of savings were identified by a number of respondents who suggested that:

- there could be savings on invigilation, equipment hire and transport
- calculation of results will save on the costs involved in the delivery of assessments
- savings will be made from not carrying out synoptic assessments especially in practical qualifications where demand on materials and equipment will be reduced

Another respondent noted that they will not incur costs as there are no exams to host this summer, however they are looking at making ex-gratia payments for good-will purposes with its teams.

Several respondents thought that the costs of operating under the new framework would be different, but no more, than 'usual' costs.

A number of respondents highlighted a range of non-financial costs, including to the mental health and wellbeing of awarding organisation and centre staff as well as students from the current uncertainty and from having to deal with unprecedented situations in the new academic year as well. Several respondents suggested we should also consider potential risks to reputation for centres, where they are dealing with numerous new processes and having to adapt quickly.

One respondent suggested it would be important to closely monitor over the coming months to ensure that escalating costs are recorded and evaluated and, where possible, action taken by government to ameliorate them.

Question 27: Are there any additional or alternative approaches we could take to minimise the regulatory impact of our proposals?

A total of 893 responses were received to this to question, with 162 respondents saying there were additional or alternative approaches that could be taken. Two hundred and twenty-seven comments were received.

Generally the responses received were supportive of the aims of the framework. Several respondents noted that potential approaches are limited because the situation is unprecedented. A number called for a clear plan as soon as possible.

The responses received from awarding organisations and FAB covered a range of proposed actions. These included:

- considering whether any financial support could be provided to awarding organisations to support them in dealing with the unanticipated cost of delivering assessment this summer
- encouraging the government to provide awarding organisations with assistance through this time, especially for those awarding organisations involved in providing training opportunities to key workers
- providing technical workshops as a way to help reduce costs, by negating the need to buy in consultancy services

- providing additional guidance about proposed mitigations for similar qualifications to ensure further consistency of approach for qualifications not already covered through FAB-convened groups
- supporting professional bodies to host meetings or workshops with awarding organisations and to support some professional bodies who are perhaps being expected to understand regulation
- to aid compliance, making the requirements on awarding organisations clearer to ensure there is consistency of approach, including simplifying the language of the extraordinary framework
- clarifying the requirements of VTQCov9.3 so that the respondent fully understands what information it is required to provide to learners and centres
- not positioning delay as the option of last resort and allowing awarding organisations to exercise professional judgement in all cases, provided it is fully documented

A small number of awarding organisations commented on the duration of the framework. It was suggested that the framework should be extended to operate for longer, and that the approach to lifting the framework should be considered, as awarding organisations saw it as likely that there will be ongoing considerations for them – a blanket removal was cautioned against. Another awarding organisation suggested an end date should be stipulated, but that we should be able to adjust this if necessary.

Several awarding organisations responded that we should adjust our regulatory approach during this time, such as:

- allowing all regulated qualifications to be supported by the framework to lessen the burden of having to apply the framework conditions to most qualifications and the General Conditions to others
- providing support, guidance and clarity regarding monitoring activity we intend to carry out. This would support awarding organisations to minimise the work where possible during a demanding period of this pandemic
- putting in place a moratorium on regulatory action in all cases where an awarding organisation can justify its decisions, regardless of any inadvertent breaches of conditions/principles
- placing greater burden of proof on the regulator to prove that an awarding organisation's actions are not in keeping with the framework rather than an awarding organisation having to record and justify decisions are in keeping with the framework
- giving sufficient advance notification of any plans for focused oversight of our decision-making in relation to specific qualifications and providing reasonable, agreed timescales for responses to any regulatory requests for information. Also, giving greater consideration around timing for when we publish guidance or technical notices
- caveating conditions with 'reasonable steps' to give assurance to awarding organisations of the level of activity it must take to meet the framework.

Some awarding organisations could not see what further could be done; they appreciated the element of flexibility in the framework and suggested that most

eventualities appear to have been covered. Another noted that any possible alternatives appear to have already been negated by the Secretary of State.

A number of other stakeholders provided proposed additional or alternative approaches to be considered. Several respondents noted the important of undertaking regular reviews and engagement, of focusing on reducing bureaucracy where possible and of ensuring clear coordinated communication is made to centres. Another group of respondents suggested a level playing field between the approaches for vocational and general qualifications.

Some responses provided by stakeholders related more to the proposed approaches to assessments and results this summer, than to minimising regulatory burden. Where this was the case, these responses have been analysed against the relevant questions and are not included here.

Proposed actions included that:

- a form of provider relief should be provided to mitigate the costs that have been incurred by training providers
- some learners should be funded to be able to re-sit the academic year in question, in order to mitigate the circumstances, consolidate their learning and successfully complete their year of studies
- funding should be provided for 19 plus learners for one term
- decisions from Ofqual and awarding organisations are made in a timely manner in order so that providers have time to ensure robust systems are in place online
- careful scheduling of additional assessments takes place, with longer timelines for centres to complete additional activities
- clear and unambiguous decisions need to be made following the consultation to enable centres to keep all key stakeholders, including students
- similar qualifications offered through different awarding organisations should have some parity in the assessment and evidence requirements and any information provided should be straightforward for centres
- overarching considerations are made around the use of adaptive assessments to reduce the potential impact on disadvantaged students.
- calculated grades should be based on estimated qualification grades submitted by centres
- where possible awarding organisations should agree arrangements with overseas regulators and funding agencies so as to align their practice
- there should be no drive to create records of learner progress retrospectively
- consideration should be given to using a smaller range of samples for awarding organisation standardisation and verification
- awarding organisations should consider how to put in place document checks that can be carried out remotely
- with regards to calculated results, centres should be provided with pre-completed forms which require the briefest admin from front line teachers, or should only be required to provide a final grade and not separate grades for each component to reduce the layers of work to be undertaken

- there should be a promise of no league tables next year to reduce pressure on centres when they are handling additional burden
- the number of assessments that need to be completed by students who are mid-course should be reduced, the assessments used shortened
- a standard online entry test could be developed for 16+ and 18+ to assess English, Maths and other skills at the beginning of their courses to understand impact of missed learning
- identify alternative means of completing work experience requirements

Many respondents noted that a key approach to minimising some burden was to ensure announcements are made swiftly and that they are clear, so as to reduce risk of confusion and reduce the number of queries that centres and awarding organisations are likely to have to deal with. It was suggested that this would also help deal with growing anxiety about what is going to happen.

Annex A - Breakdown of responses for each question

Respondents to the consultation self-identified to which the group they belonged. The number of responses reported in the tables below are based on these unverified self-descriptions.

Question 1: To what extent do you agree or disagree with our proposed approach to qualifications which fall out of scope of the extraordinary regulatory framework?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	84	23%	215	60%	44	12%	11	3%	4	1%	358
Awarding body or exam board	0	0%	32	74%	5	12%	4	9%	2	5%	43
Local authority	4	36%	7	64%	0	0%	0	0%	0	0%	11
School or college	56	28%	124	61%	20	10%	2	1%	1	0%	203
Academy chain	6	35%	10	59%	1	6%	0	0%	0	0%	17
Private training provider	12	27%	19	43%	11	25%	2	5%	0	0%	44
University or higher education institution	2	40%	3	60%	0	0%	0	0%	0	0%	5
Employer	0	0%	0	0%	0	0%	1	100%	0	0%	1
Other representative or interest group	4	12%	20	59%	7	21%	2	6%	1	3%	34
Personal	236	23%	534	52%	169	17%	54	5%	27	3%	1,020
Teacher	143	21%	390	57%	107	16%	28	4%	13	2%	681
Student	15	22%	21	31%	11	16%	12	18%	8	12%	67
Parent or carer	22	28%	29	36%	21	26%	5	6%	3	4%	80
Exams officer or manager	20	38%	24	46%	7	13%	1	2%	0	0%	52
Head of Department/School	8	38%	12	57%	1	5%	0	0%	0	0%	21
Other	28	24%	58	49%	22	18%	8	7%	3	3%	119

No response: 130

Question 2: To what extent do you agree or disagree with our proposed approach to determining to which learners the extraordinary regulatory framework applies?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	118	33%	209	58%	16	4%	14	4%	3	1%	360
Awarding body or exam board	12	28%	24	56%	3	7%	3	7%	1	2%	43
Local authority	5	45%	5	45%	0	0%	1	9%	0	0%	11
School or college	76	38%	111	55%	7	3%	7	3%	0	0%	201
Academy chain	6	30%	14	70%	0	0%	0	0%	0	0%	20
Private training provider	10	23%	24	56%	5	12%	3	7%	1	2%	43
University or higher education institution	1	17%	5	83%	0	0%	0	0%	0	0%	6
Employer	0	0%	1	100%	0	0%	0	0%	0	0%	1
Other representative or interest group	8	23%	25	71%	1	3%	0	0%	1	3%	35
Personal	242	24%	550	54%	128	13%	57	6%	36	4%	1,013
Teacher	156	23%	403	59%	80	12%	28	4%	17	2%	684
Student	13	19%	23	34%	7	10%	10	15%	14	21%	67
Parent or carer	16	23%	27	39%	19	28%	5	7%	2	3%	69
Exams officer or manager	25	48%	23	44%	2	4%	2	4%	0	0%	52
Head of Department/School	8	38%	9	43%	2	10%	1	5%	1	5%	21
Other	24	20%	65	54%	18	15%	11	9%	2	2%	120

No response: 135

Question 3: To what extent do you agree or disagree with the balance we are proposing to strike across the 3 elements of: delegation to awarding organisations, flexibility, and consistency?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	105	30%	207	58%	24	7%	11	3%	7	2%	354
Awarding body or exam board	17	40%	20	47%	3	7%	2	5%	1	2%	43
Local authority	4	36%	5	45%	0	0%	2	18%	0	0%	11
School or college	62	31%	118	60%	9	5%	6	3%	3	2%	198
Academy chain	4	20%	13	65%	3	15%	0	0%	0	0%	20
Private training provider	13	31%	23	55%	3	7%	1	2%	2	5%	42
University or higher education institution	1	17%	4	67%	0	0%	0	0%	1	17%	6
Employer	0	0%	1	100%	0	0%	0	0%	0	0%	1
Other representative or interest group	4	12%	23	70%	6	18%	0	0%	0	0%	33
Personal	206	21%	581	58%	137	14%	53	5%	25	2%	1,002
Teacher	132	20%	424	63%	79	12%	30	4%	11	2%	676
Student	10	15%	27	41%	10	15%	7	11%	12	18%	66
Parent or carer	11	16%	33	49%	19	28%	4	6%	1	1%	68
Exams officer or manager	20	38%	27	52%	3	6%	2	4%	0	0%	52
Head of Department/School	5	25%	11	55%	3	15%	1	5%	0	0%	20
Other	28	23%	59	49%	23	19%	9	8%	1	1%	120

No response: 152

Question 4: To what extent do you agree or disagree with the key principles we have set out?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	116	33%	211	59%	14	4%	11	3%	3	1%	355
Awarding body or exam board	13	30%	24	56%	3	7%	3	7%	0	0%	43
Local authority	5	45%	5	45%	0	0%	1	9%	0	0%	11
School or college	76	38%	116	58%	5	3%	2	1%	0	0%	199
Academy chain	4	21%	14	74%	1	5%	0	0%	0	0%	19
Private training provider	11	26%	27	63%	2	5%	2	5%	1	2%	43
University or higher education institution	2	33%	3	50%	0	0%	1	17%	0	0%	6
Employer	0	0%	1	100%	0	0%	0	0%	0	0%	1
Other representative or interest group	5	15%	21	64%	3	9%	2	6%	2	6%	33
Personal	229	23%	586	59%	126	13%	37	4%	17	2%	995
Teacher	146	22%	431	64%	71	11%	20	3%	5	1%	673
Student	10	16%	27	42%	11	17%	7	11%	9	14%	64
Parent or carer	15	22%	30	43%	18	26%	5	7%	1	1%	69
Exams officer or manager	21	41%	26	51%	3	6%	1	2%	0	0%	51
Head of Department/School	8	40%	9	45%	2	10%	1	5%	0	0%	20
Other	29	25%	63	53%	21	18%	3	3%	2	2%	118

No response: 158

Question 5: To what extent do you agree or disagree with our proposal to allow awarding organisations to deliver their qualifications as normal where they are able to?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	105	29%	161	45%	39	11%	36	10%	18	5%	359
Awarding body or exam board	26	60%	13	30%	2	5%	2	5%	0	0%	43
Local authority	5	45%	5	45%	1	9%	0	0%	0	0%	11
School or college	49	25%	88	44%	24	12%	24	12%	14	7%	199
Academy chain	1	5%	13	65%	4	20%	1	5%	1	5%	20
Private training provider	17	37%	18	39%	3	7%	5	11%	3	7%	46
University or higher education institution	2	33%	3	50%	1	17%	0	0%	0	0%	6
Employer	0	0%	0	0%	0	0%	1	100%	0	0%	1
Other representative or interest group	5	15%	21	64%	4	12%	3	9%	0	0%	33
Personal	249	25%	426	42%	136	13%	135	13%	66	7%	1,012
Teacher	160	23%	297	43%	87	13%	103	15%	37	5%	684
Student	7	11%	15	23%	10	15%	13	20%	21	32%	66
Parent or carer	20	29%	28	40%	14	20%	4	6%	4	6%	70
Exams officer or manager	18	35%	25	48%	7	13%	0	0%	2	4%	52
Head of Department/School	2	10%	10	50%	5	25%	3	15%	0	0%	20
Other	42	35%	51	42%	13	11%	12	10%	2	2%	120

No response: 137

Question 6: To what extent do you agree or disagree with our proposed approaches for the different categories of qualifications?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	78	22%	232	65%	25	7%	13	4%	7	2%	355
Awarding body or exam board	6	14%	31	72%	2	5%	2	5%	2	5%	43
Local authority	3	27%	8	73%	0	0%	0	0%	0	0%	11
School or college	52	26%	123	62%	12	6%	7	4%	3	2%	197
Academy chain	4	19%	17	81%	0	0%	0	0%	0	0%	21
Private training provider	8	19%	27	64%	5	12%	1	2%	1	2%	42
University or higher education institution	1	17%	3	50%	1	17%	0	0%	1	17%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	4	12%	23	68%	4	12%	3	9%	0	0%	34
Personal	177	18%	563	57%	166	17%	50	5%	32	3%	988
Teacher	113	17%	409	62%	103	15%	28	4%	12	2%	665
Student	9	13%	21	31%	15	22%	7	10%	15	22%	67
Parent or carer	8	12%	32	48%	20	30%	5	8%	1	2%	66
Exams officer or manager	18	34%	32	60%	2	4%	1	2%	0	0%	53
Head of Department/School	8	40%	9	45%	2	10%	1	5%	0	0%	20
Other	21	18%	60	51%	24	21%	8	7%	4	3%	117

No response: 165

Question 7: To what extent do you agree or disagree with the aims of our proposed approach to calculating results?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	106	30%	220	62%	18	5%	8	2%	4	1%	356
Awarding body or exam board	8	20%	27	68%	3	8%	2	5%	0	0%	40
Local authority	2	18%	7	64%	1	9%	1	9%	0	0%	11
School or college	76	38%	111	55%	9	4%	4	2%	1	0%	201
Academy chain	4	19%	16	76%	1	5%	0	0%	0	0%	21
Private training provider	10	23%	28	65%	2	5%	1	2%	2	5%	43
University or higher education institution	2	33%	4	67%	0	0%	0	0%	0	0%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	4	12%	27	82%	1	3%	0	0%	1	3%	33
Personal	239	23%	535	53%	140	14%	62	6%	42	4%	1,018
Teacher	145	21%	394	57%	88	13%	39	6%	20	3%	686
Student	27	38%	18	25%	8	11%	7	10%	11	15%	71
Parent or carer	12	17%	34	49%	13	19%	6	9%	5	7%	70
Exams officer or manager	25	48%	23	44%	2	4%	2	4%	0	0%	52
Head of Department/School	7	35%	11	55%	2	10%	0	0%	0	0%	20
Other	23	19%	55	46%	27	23%	8	7%	6	5%	119

No response: 134

Question 8: To what extent do you agree or disagree with our proposal that the minimum evidential threshold is that any approach to providing calculated results

needs to be based upon at least one source of reasonably trusted evidence along with a sufficiently robust basis for quality assurance?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	120	34%	203	57%	17	5%	9	3%	5	1%	354
Awarding body or exam board	12	29%	20	49%	5	12%	4	10%	0	0%	41
Local authority	4	40%	6	60%	0	0%	0	0%	0	0%	10
School or college	75	38%	111	56%	5	3%	4	2%	4	2%	199
Academy chain	5	25%	14	70%	1	5%	0	0%	0	0%	20
Private training provider	15	34%	28	64%	0	0%	1	2%	0	0%	44
University or higher education institution	2	33%	4	67%	0	0%	0	0%	0	0%	6
Employer	0	0%	1	100%	0	0%	0	0%	0	0%	1
Other representative or interest group	7	21%	19	58%	6	18%	0	0%	1	3%	33
Personal	288	29%	528	52%	105	10%	56	6%	32	3%	1,009
Teacher	180	26%	383	56%	66	10%	38	6%	16	2%	683
Student	20	30%	29	43%	4	6%	4	6%	10	15%	67
Parent or carer	16	23%	33	48%	15	22%	2	3%	3	4%	69
Exams officer or manager	26	49%	24	45%	3	6%	0	0%	0	0%	53
Head of Department/School	7	35%	8	40%	0	0%	5	25%	0	0%	20
Other	39	33%	51	44%	17	15%	7	6%	3	3%	117

No response: 145

Question 10: To what extent do you agree or disagree with our proposed approach to the adaptation of assessments?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	66	19%	201	58%	48	14%	22	6%	8	2%	345
Awarding body or exam board	9	21%	26	60%	5	12%	1	2%	2	5%	43
Local authority	4	40%	5	50%	0	0%	1	10%	0	0%	10
School or college	31	16%	115	61%	28	15%	13	7%	3	2%	190
Academy chain	2	11%	12	67%	4	22%	0	0%	0	0%	18
Private training provider	17	38%	21	47%	4	9%	3	7%	0	0%	45
University or higher education institution	0	0%	4	67%	2	33%	0	0%	0	0%	6
Employer	0	0%	0	0%	0	0%	1	100%	0	0%	1
Other representative or interest group	3	9%	18	56%	5	16%	3	9%	3	9%	32
Personal	153	16%	455	47%	246	25%	83	9%	35	4%	972
Teacher	88	13%	327	50%	171	26%	47	7%	19	3%	652
Student	13	19%	15	22%	16	23%	12	17%	13	19%	69
Parent or carer	9	14%	30	45%	21	32%	5	8%	1	2%	66
Exams officer or manager	10	21%	19	40%	12	25%	6	12%	1	2%	48
Head of Department/School	6	33%	7	39%	4	22%	1	6%	0	0%	18
Other	27	23%	57	48%	22	18%	12	10%	1	1%	119

No response: 191

Question 11: To what extent do you agree or disagree that delaying or re-scheduling assessments should be the option of last resort?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	168	48%	127	36%	25	7%	15	4%	15	4%	350
Awarding body or exam board	11	26%	20	47%	7	16%	3	7%	2	5%	43
Local authority	1	9%	7	64%	0	0%	0	0%	3	27%	11
School or college	113	57%	57	29%	11	6%	8	4%	8	4%	197
Academy chain	6	35%	11	65%	0	0%	0	0%	0	0%	17
Private training provider	24	55%	13	30%	2	5%	3	7%	2	5%	44
University or higher education institution	4	67%	1	17%	1	17%	0	0%	0	0%	6
Employer	0	0%	1	100%	0	0%	0	0%	0	0%	1
Other representative or interest group	9	29%	17	55%	4	13%	1	3%	0	0%	31
Personal	490	48%	295	29%	83	8%	94	9%	62	6%	1,024
Teacher	336	49%	200	29%	51	7%	65	9%	37	5%	689
Student	26	39%	13	19%	7	10%	5	7%	16	24%	67
Parent or carer	27	36%	30	39%	10	13%	5	7%	4	5%	76
Exams officer or manager	30	57%	15	28%	5	9%	3	6%	0	0%	53
Head of Department/School	14	70%	5	25%	0	0%	0	0%	1	5%	20
Other	57	48%	32	27%	10	8%	16	13%	4	3%	119

No response: 134

Question 12: To what extent do you agree or disagree with our proposals around decision-making and record keeping?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	104	30%	218	63%	20	6%	2	1%	1	0%	345
Awarding body or exam board	13	30%	27	63%	3	7%	0	0%	0	0%	43
Local authority	6	55%	3	27%	1	9%	1	9%	0	0%	11
School or college	59	31%	128	66%	6	3%	0	0%	0	0%	193
Academy chain	4	24%	11	65%	1	6%	1	6%	0	0%	17
Private training provider	10	23%	30	68%	4	9%	0	0%	0	0%	44
University or higher education institution	2	33%	3	50%	1	17%	0	0%	0	0%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	10	33%	16	53%	3	10%	0	0%	1	3%	30
Personal	185	19%	555	57%	188	19%	21	2%	18	2%	967
Teacher	108	17%	398	61%	123	19%	12	2%	8	1%	649
Student	10	16%	22	35%	21	33%	3	5%	7	11%	63
Parent or carer	12	18%	31	47%	18	27%	4	6%	1	2%	66
Exams officer or manager	19	37%	28	54%	5	10%	0	0%	0	0%	52
Head of Department/School	4	20%	14	70%	1	5%	1	5%	0	0%	20
Other	32	27%	62	53%	20	17%	1	1%	2	2%	117

No response: 196

Question 13: To what extent do you agree or disagree with our proposed approach to oversight of awarding organisations?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	86	25%	201	59%	41	12%	12	4%	2	1%	342
Awarding body or exam board	8	19%	27	64%	6	14%	1	2%	0	0%	42

Local authority	4	36%	4	36%	1	9%	2	18%	0	0%	11
School or college	52	27%	121	62%	16	8%	4	2%	1	1%	194
Academy chain	5	29%	10	59%	2	12%	0	0%	0	0%	17
Private training provider	11	26%	19	45%	9	21%	3	7%	0	0%	42
University or higher education institution	0	0%	5	83%	1	17%	0	0%	0	0%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	6	21%	15	52%	5	17%	2	7%	1	3%	29
Personal	151	16%	509	54%	250	26%	25	3%	16	2%	951
Teacher	87	14%	357	56%	174	27%	13	2%	8	1%	639
Student	11	17%	26	41%	13	21%	6	10%	7	11%	63
Parent or carer	6	10%	27	43%	28	44%	2	3%	0	0%	63
Exams officer or manager	16	31%	27	53%	8	16%	0	0%	0	0%	51
Head of Department/School	3	15%	14	70%	2	10%	1	5%	0	0%	20
Other	28	24%	58	50%	25	22%	3	3%	1	1%	115

No response: 215

Question 14: To what extent do you agree or disagree with our proposed position on the delivery of an assessment opportunity to learners in autumn 2020?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	78	23%	174	50%	45	13%	38	11%	11	3%	346
Awarding body or exam board	4	9%	25	58%	8	19%	5	12%	1	2%	43
Local authority	4	36%	3	27%	1	9%	0	0%	3	27%	11
School or college	52	27%	95	49%	18	9%	24	12%	6	3%	195
Academy chain	4	24%	12	71%	0	0%	1	6%	0	0%	17
Private training provider	6	15%	20	49%	9	22%	5	12%	1	2%	41
University or higher education institution	2	33%	3	50%	0	0%	1	17%	0	0%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	6	19%	16	50%	8	25%	2	6%	0	0%	32
Personal	212	21%	389	39%	209	21%	107	11%	74	7%	991
Teacher	127	19%	286	43%	136	20%	73	11%	43	6%	665
Student	14	20%	13	19%	16	23%	7	10%	19	28%	69
Parent or carer	10	14%	24	35%	22	32%	7	10%	6	9%	69
Exams officer or manager	19	37%	24	46%	4	8%	4	8%	1	2%	52
Head of Department/School	9	45%	4	20%	6	30%	1	5%	0	0%	20
Other	33	28%	38	33%	25	22%	15	13%	5	4%	116

No response: 171

Question 15: To what extent do you agree or disagree with our proposed approach to appeals?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	79	22%	224	64%	27	8%	15	4%	7	2%	352
Awarding body or exam board	8	19%	28	65%	4	9%	3	7%	0	0%	43
Local authority	5	45%	5	45%	1	9%	0	0%	0	0%	11
School or college	47	24%	125	63%	12	6%	9	5%	4	2%	197
Academy chain	4	20%	15	75%	1	5%	0	0%	0	0%	20
Private training provider	8	19%	30	70%	4	9%	0	0%	1	2%	43

University or higher education institution	2	29%	4	57%	1	14%	0	0%	0	0%	7
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	5	17%	17	57%	3	10%	3	10%	2	7%	30
Personal	198	20%	558	56%	178	18%	38	4%	19	2%	991
Teacher	120	18%	400	60%	114	17%	27	4%	7	1%	668
Student	12	18%	26	38%	21	31%	3	4%	6	9%	68
Parent or carer	14	21%	33	49%	15	22%	2	3%	4	6%	68
Exams officer or manager	21	40%	26	50%	4	8%	1	2%	0	0%	52
Head of Department/School	6	30%	11	55%	2	10%	1	5%	0	0%	20
Other	25	22%	62	54%	22	19%	4	3%	2	2%	115

No response: 165

Question 16: To what extent do you agree or disagree with our proposed position in relation to certificates?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	82	24%	230	67%	26	8%	5	1%	0	0%	343
Awarding body or exam board	12	29%	28	67%	2	5%	0	0%	0	0%	42
Local authority	4	36%	4	36%	3	27%	0	0%	0	0%	11
School or college	50	26%	129	67%	11	6%	3	2%	0	0%	193
Academy chain	4	24%	13	76%	0	0%	0	0%	0	0%	17
Private training provider	8	18%	29	64%	7	16%	1	2%	0	0%	45
University or higher education institution	0	0%	4	67%	1	17%	1	17%	0	0%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	4	14%	23	82%	1	4%	0	0%	0	0%	28
Personal	183	20%	505	54%	221	24%	13	1%	12	1%	934
Teacher	108	17%	366	58%	144	23%	7	1%	4	1%	629
Student	16	26%	17	27%	20	32%	2	3%	7	11%	62
Parent or carer	10	15%	30	46%	25	38%	0	0%	0	0%	65
Exams officer or manager	16	33%	28	57%	3	6%	2	4%	0	0%	49
Head of Department/School	5	28%	8	44%	4	22%	0	0%	1	6%	18
Other	28	25%	56	50%	25	23%	2	2%	0	0%	111

No response: 231

Question 17: To what extent do you agree or disagree with our proposed approach in relation to private learners?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	50	16%	168	53%	87	27%	11	3%	2	1%	318
Awarding body or exam board	5	12%	20	50%	11	28%	4	10%	0	0%	40
Local authority	0	0%	3	30%	7	70%	0	0%	0	0%	10
School or college	34	19%	100	56%	43	24%	3	2%	0	0%	180
Academy chain	3	20%	11	73%	1	7%	0	0%	0	0%	15
Private training provider	3	8%	17	44%	17	44%	2	5%	0	0%	39
University or higher education institution	1	17%	3	50%	0	0%	1	17%	1	17%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1

Other representative or interest group	4	15%	14	52%	7	26%	1	4%	1	4%	27
Personal	99	11%	285	32%	470	53%	14	2%	23	3%	891
Teacher	52	9%	205	35%	317	54%	8	1%	4	1%	586
Student	6	10%	10	16%	32	51%	4	6%	11	17%	63
Parent or carer	5	7%	16	23%	40	58%	2	3%	6	9%	69
Exams officer or manager	10	22%	21	47%	14	31%	0	0%	0	0%	45
Head of Department/School	3	16%	2	11%	14	74%	0	0%	0	0%	19
Other	23	21%	31	28%	53	49%	0	0%	2	2%	109

No response: 299

Question 18: To what extent do you agree or disagree with our proposed approach in relation to learners who are not yet registered for an assessment?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	61	18%	196	58%	57	17%	17	5%	5	1%	336
Awarding body or exam board	3	7%	18	43%	8	19%	8	19%	5	12%	42
Local authority	2	18%	7	64%	1	9%	1	9%	0	0%	11
School or college	38	20%	116	62%	29	16%	4	2%	0	0%	187
Academy chain	6	30%	12	60%	1	5%	1	5%	0	0%	20
Private training provider	8	20%	21	52%	9	22%	2	5%	0	0%	40
University or higher education institution	1	17%	5	83%	0	0%	0	0%	0	0%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	3	10%	17	59%	8	28%	1	3%	0	0%	29
Personal	131	15%	345	39%	377	42%	29	3%	9	1%	891
Teacher	81	14%	250	42%	243	41%	24	4%	1	0%	599
Student	7	12%	9	15%	37	62%	3	5%	4	7%	60
Parent or carer	5	8%	17	26%	42	65%	0	0%	1	2%	65
Exams officer or manager	15	33%	16	36%	13	29%	1	2%	0	0%	45
Head of Department/School	2	11%	7	39%	8	44%	0	0%	1	6%	18
Other	21	20%	46	44%	34	33%	1	1%	2	2%	104

No response: 281

Question 19: To what extent do you agree or disagree with our intention to not require any particular approach for adapting assessments and/or issuing results to international learners?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	42	14%	137	44%	118	38%	10	3%	2	1%	309
Awarding body or exam board	10	24%	23	55%	8	19%	1	2%	0	0%	42
Local authority	1	10%	1	10%	8	80%	0	0%	0	0%	10
School or college	20	12%	74	44%	69	41%	6	4%	1	1%	170
Academy chain	2	13%	10	67%	3	20%	0	0%	0	0%	15
Private training provider	5	13%	13	33%	20	51%	1	3%	0	0%	39
University or higher education institution	0	0%	4	67%	1	17%	1	17%	0	0%	6
Employer	0	0%	0	0%	1	100%	0	0%	0	0%	1
Other representative or interest group	4	15%	12	46%	8	31%	1	4%	1	4%	26
Personal	86	10%	230	27%	499	58%	23	3%	17	2%	855

Teacher	55	10%	165	29%	328	58%	13	2%	6	1%	567
Student	9	15%	14	23%	27	44%	3	5%	8	13%	61
Parent or carer	4	6%	16	25%	41	63%	1	2%	3	5%	65
Exams officer or manager	7	17%	9	21%	25	60%	1	2%	0	0%	42
Head of Department/School	1	6%	2	12%	14	82%	0	0%	0	0%	17
Other	10	10%	24	23%	64	62%	5	5%	0	0%	103

No response: 344

Question 21: To what extent do you agree or disagree with our proposed position in relation to the issuing of results for Functional Skills qualification learners?

	Strongly agree		Agree		Neither agree nor disagree		Disagree		Strongly disagree		Total
Official	70	23%	155	50%	71	23%	9	3%	5	2%	310
Awarding body or exam board	5	14%	12	33%	18	50%	1	3%	0	0%	36
Local authority	4	33%	5	42%	2	17%	1	8%	0	0%	12
School or college	47	28%	83	49%	35	21%	4	2%	1	1%	170
Academy chain	3	21%	10	71%	1	7%	0	0%	0	0%	14
Private training provider	9	21%	23	53%	6	14%	3	7%	2	5%	43
University or higher education institution	0	0%	4	67%	2	33%	0	0%	0	0%	6
Employer	0	0%	0	0%	0	0%	0	0%	1	100%	1
Other representative or interest group	2	7%	18	64%	7	25%	0	0%	1	4%	28
Personal	130	15%	327	38%	368	43%	20	2%	20	2%	865
Teacher	80	14%	234	41%	250	43%	8	1%	3	1%	575
Student	6	10%	13	22%	30	51%	1	2%	9	15%	59
Parent or carer	5	8%	16	26%	41	66%	0	0%	0	0%	62
Exams officer or manager	13	30%	15	35%	12	28%	2	5%	1	2%	43
Head of Department/School	2	12%	6	35%	8	47%	0	0%	1	6%	17
Other	24	22%	43	39%	27	25%	9	8%	6	6%	109

No response: 333

Annex B – List of organisations that responded to the consultation

When completing the questionnaire, respondents were asked to indicate whether they were responding as an individual or on behalf of an organisation. Below we list those organisations that submitted a response to the consultation and did not ask for their identity to remain confidential.

AAT

ABE Global Ltd

ABRSM

Academies Enterprise Trust

Academy Transformation Trust (Further Education)

ACCA

Access Creative College

Achievement Training

Active IQ Ltd.

Ada. The National College for Digital Skills

Aegis

AIM Qualification and Assessment Group

Alexandra Park School

All Saints CE Academy

Allerton High School

Alleyne's Academy

AQA

Archbishop Blanch C of E High School

Archbishop Holgates School

Ark

Ashford School

Ashton On Mersey School

Ashton Sixth Form College

Association of Colleges

Association of Employment and Learning Providers (AELP)

Association of School and College Leaders

Baker Dearing Trust

Ballymena Academy

Barnsley College

Barnsley MBC

BCS, The Chartered Institute for IT

Bedford Modern School

Berkshire College of Agriculture

Bespoke Hairdressing Training

Bexleyheath Academy

BHS Qualifications

Bishop Burton College

Bishop Heber High School

Bitterne Park School

Blackheath High School

Blackpool and the Fylde College

Blackpool Sixth Form College

Bletchley Park Qufaro

Bolton College

Boston College

Brakenhale School

Bridgwater and Taunton College

British Academy of Jewellery

British Association of Teachers of the Deaf

Cambridge Assessment English

Cambridge Assessment International Education

Cardiff and Vale College

Cardinal Newman

Carmel College

Chartered Institute of Educational Assessors (CIEA)

Chartered Institute of Legal Executives

Chesham Grammar School

Cheshire College South & West

Chesterfield College

Chiswick School

CICM

CIH

City & Guilds

City of Bristol College

City of Stoke-on-Trent 6th Form College

Clacton County High School

Coleg Cambria

ColegauCymru

College of Richard Collyer

Collingwood College

Construction & Built Environment Education (CBEE)

Coulsdon Sixth Form College

Council for Dance, Drama and Musical Theatre

CPCAB

Crisis Skylight Birmingham

Croydon College

Cumbria County Council

Darwin Training Ltd

De Aston School

Derby Skillbuild

Derbyshire County Council

Discovery Academy

Dorset Studio School

Dronfield Henry Fanshawe School

Ealing, Hammersmith and West London College

Early Years Alliance

ELITE Maths Tuition

Elms School Dover

Elstree UTC

EngineeringUK

English Speaking Board (International) Ltd

Enham Trust

Equality and Human Rights Commission

Esher Sixth Form College

Essex County Council

Estyn

Excellence, Achievement & Learning Ltd

FAB

Farnborough College of Technology

First Intuition Chelmsford Ltd

Framlingham College

Friendberry Limited

Furness College

Future (Awards and Qualifications) Ltd

Gateway Qualifications Ltd

Gateway Sixth Form College

Genius People

Gloucestershire Hospital Education Service

Gordon Franks Training

Great Wyrley Academy

Grwp Llandrillo Menai

Hall Green School

Hampstead School

Hartpury College

Havering Adult College

Hazelbeck School

Hereford Sixth Form College

Hertfordshire Group Training Association

High Well School

HMPPS

HOLEX

Holyrood Academy

Hopedale Children & Families Services

Hopwood Hall College

Hounsdown School

Hungerhill School

IBO

IETTL

Innovate Awarding

Irish National Teachers Organisation

Isle of Wight Council ACL

Ist4sport

Jays Training

Kaplan Financial

Kidsgrove Secondary School

King Alfred's Academy

King Henry VIII School, Abergavenny

King's College School Wimbledon

Kingston Adult Education

Kirkbie Kendal School

Lancaster & Morecambe College

Lancasterian School

Landex

Lantra

Larkmead School

Le Rocquier School

Lealands High School

Learning Curve Group

Leeds College of Building

Leicestershire County Council, Adult Learning Service

Leyton Sixth Form College

Lincoln College

Linking London, hosted by Birkbeck, University of London

Longfield Academy

Loughborough College

Luton Sixth Form College

Lynwood School of Veterinary Nursing

Magdalen College School

Maiden Erlegh School in Reaing

Mathematics in Education and Industry

MCP Consulting Group Ltd

Michaeljohn Training School

Milton Abbey School

Milton Keynes College

Milton Keynes College, Prison Services

Ministry of Justice

Minsthorpe Community College

More House School

Myerscough College

NAHT

NASUWT

National College for Advanced Transport and Infrastructure

National Deaf Children's Society

National Education Union

National Hair and Beauty Federation

National Star

NCFE

NCG

NCTJ Training Ltd

New City College

New College Durham

New Rickstones Academy

Newbury College

Newfield School

NOCN

Northampton College

Northgate High School

Northleigh House School

Notre Dame Catholic Sixth Form College Leeds

Nottingham Trent University

Nunnery Wood High School

OCR

Olympus Trust

One Sixth Form College

Open Awards

Open College Network NI (OCN NI)

Outwood Academy Newbold

Outwood Grange Academies Trust

Oxted School

Pathway Group

Peak Accountancy training

Pearson

Pearson

Pembrokeshire College

PeoplePlus

PM Training

Portal Training

Premier League

Preston's College

Priory School

ProVQ Ltd

Puffins of Exeter

Queen Ethelburgas Collegiate

Reading Girls' School

Redbridge Institute

Regents Park Community College, Southampton

REMIT

Rewards Training Recruitment Consultancy

Rivers ESC

RNIB

Rossendale School

Royal National College for the Blind

Royal Society of Biology

RSL Awards

Runshaw College

Sackville School

Sandy Secondary School

SFJ Awards

Silverstone UTC

Sir George Monoux College

Sir William Stanier School

Sirius Academy West

Sixth Form Colleges Association

SKC Group

Skills and Education Group Awards

Skillsfirst Awards

Skillstart

SMB College Group

South Bank Academies

South Devon College

South Essex College

Southern Regional College, Northern Ireland

Southport College

Span Training and Development

St Christopher School, Letchworth

St Clement Danes School

St Columb's College

St George's C of E Foundation School

St John Fisher Catholic High School

St Vincent Sixth Form College

St Wilfrid's CE Academy

St. Andrew's College Cambridge

Stepping Stones School

Suffolk New College

TCHC Group

Telford Langley & Telford Park Schools

The Academy

The Aldenham Foundation

The Ashley School Academy Trust

The Basildon Academies

The Bedford College Group

The Big Act

The British School of Brussels

The Canterbury Academy

The Chalk Hills Academy, part of the Shared Learning Trust

The College of West Anglia

The Cooper School

The Cowplain School

The Engineering and Construction Industry Training Board (ECITB)

The Grimsby Institute of Further and Higher Education

The Howard Partnership Trust

The IMI

The King's school

The King's School

The Mathematical Association

The Mirfield Free Grammar

The National Logistics Academy

The Priory Learning Trust

The Rainey Endowed School

The Rowans AP Academy

The Russell Group

The Sheffield UTC Academy Trust

The Sixth Form College, Colchester

The Training Place of Excellence

The University of Manchester

The University of Sheffield

Thomas Becket Catholic School

Thomas Knyvett College

Thomas Tallis School

Thornton College

Three Rivers Academy

Thurston Community College

Tonbridge Grammar School

Tor Bridge High

Twenty Twenty Learning

Ty Dysgu Homfray PRU

UAL

UCAC (Undeb Cenedlaethol Athrawon Cymru)

United Colleges Group

Universities UK

University and College Union

University College Isle of Man

University of Brighton

University of Exeter

University of the Arts London

UTC Reading

Uxbridge College

Vale Training service ltd

Verulam School

Virtual Alliance Ltd

Voice the Union

VTCT

Waltham Forest College

Weald School

Wessex Training and Assessment Ltd

West Nottinghamshire College

West Thames College

Westfield School

White Rose Beauty Colleges

Whitmore High School

Wildern School

Windsor Forest College Group

WJEC-CBAC

Woking College

Working Men's College

Writtle University College

XS Training Ltd

YMCA Awards

York College

Ysgol Dinas Brân