

ANALYSIS OF CONSULTATION RESPONSES

Consultation on the arrangements for
the assessment and awarding of
Vocational and technical and other
general qualifications in 2020 to 2021
– Part 2

ofqual

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Introduction

The government's expectation is that assessments should take place in 2020 and 2021 because that is the fairest way of providing results for learners.

Our proposed arrangements seek to mitigate the disruption to teaching, learning and assessments caused by the coronavirus (COVID-19) pandemic so that, as far as possible, learners have the opportunity to receive fair results in 2020 to 2021.

When implemented, the arrangements will apply to all regulated qualifications, apart from GCSEs, AS and A levels, and end-point assessments.

Background

We consulted on our proposed arrangements for 2020 to 2021 in 2 stages.

The [first stage of our consultation](#) ran from 3 to 14 August. We consulted on the introduction of a second version of the Extraordinary Regulatory Framework (ERF), the Extended ERF, which would permit awarding organisations to mitigate the impact of disruptions to teaching, learning and assessment arising from the coronavirus (COVID-19) pandemic, through the adaptation of assessments and qualifications. We also consulted on a set of objectives to guide awarding organisations' decisions about how assessments and qualifications could be adapted. We said that we would consider whether and how to include these objectives within the Extended ERF.

Given the high level of agreement with the arrangements proposed in our first consultation, we have already [decided to implement these proposals in full](#).

This [second stage of consultation](#) ran between 7 and 20 September 2020. We consulted on a further draft version of the Extended ERF to put our proposed arrangements into effect. We did not consult on any changes to the overall approach.

The second draft version of the Extended ERF included revised principles to guide awarding organisations' decisions, statutory guidance on adaptation, and statutory guidance on Special Consideration. We also clarified the proposed regulatory arrangements for autumn assessment opportunities and set out our regulatory and equalities impact assessments for the proposals in the consultation document.

We received 53 responses, submitted either through an online form or by email. This document provides a summary of the responses we received. We also held a consultation event attended by 10 delegates from representative bodies and local government with a particular focus on equalities.

Approach to analysis

The consultation included six questions and was published on our website with an online form for responses.

This was a consultation on the views of those who wished to participate and, while we tried to ensure that as many respondents as possible had the opportunity to reply, it cannot be considered as a 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. Some respondents chose to provide general comments instead of responding to the specific proposals. During the analysis, we reviewed every response to each question. In some instances, respondents answered a question with comments that did not relate to that question. Where this is the case, we have reported those responses against the question to which the response related rather than the question against which it was provided.

Who responded?

We received 53 responses to our consultation. Forty-nine respondents completed the survey online. We also received 4 free-text responses; relevant comments from these have been included against the appropriate questions. We list the organisations who responded to the consultation in Annex A.

Table 1: Breakdown of consultation responses

Personal/organisation response	Respondent type	Number
Personal	Teacher	9
Organisation	School or College	5
Personal	SLT	2
Organisation	Awarding Organisation	18
Organisation	Other representative or interest group	10
Other	Other	1
Personal	Exams officer or manager	4
Organisation	Private training provider	1
Organisation	Academy chain	2
Personal	Governor	1

The vast majority of respondents indicated that they were based in England, with a small number from Wales.

Question-by-question analysis

The Extended Extraordinary Regulatory Framework

Principle 1 – As far as possible and without prejudice to the other principles, an awarding organisation must seek to ensure that the adaptations, which it makes to a qualification, assist with mitigating the impact on teaching, learning or assessments caused by the coronavirus (COVID-19) pandemic on learners taking that qualification.

Principle 2 – An awarding organisation must seek to ensure, as far as possible, that the adaptations which it makes to a qualification do not serve to advantage or disadvantage learners taking that qualification against their peers taking general qualifications not covered by the Extended ERF.

Principle 3 – An awarding organisation must seek to ensure that, where it makes any adaptations to its qualifications in accordance with the Extended ERF, the validity and reliability of those qualifications is maintained

Principle 4 – An awarding organisation must seek to maintain standards, as far as possible, within the same qualification in line with previous years, and across similar qualifications made available by the awarding organisation and by other awarding organisations.

QUESTION 1: Do you have any comments on the proposed principles set out above and in the second draft version of the Extended ERF requirements?

Thirty-four respondents provided comments in response to this question.

Individual respondents and representative bodies said that the principles appeared reasonable and many made no further comments.

A centre representative body agreed with principles 1 and 2 and made no further comment. They agreed with principle 3 and said that it needed to be clear in which qualifications adaptations were not required and why. They also agreed with principle 4 and said that it was that important that awarding organisations work together to ensure consistency across similar qualifications.

We also received feedback that maintenance of standards would be challenging in 2020 to 2021 and probably also in the year after as the 2020 results are not in line with the expected standard and neither might the 2021 results be. One respondent asked if a new standard setting process would be necessary as the lack of key stage 2 results would also have implications for standard setting when the current year 7s take GCSEs.

One organisational response from a centre, commenting on principle 2, said that there should be greater clarity on whether there can be a reduction in content in VTQs. They said that the guidance for A Levels permits a reduction in the content delivered to students as questions will be adapted but that there is no clear

statement about this in this guidance. VTQ students might therefore be disadvantaged by having to cover all of the content they would usually have been expected to in a normal year. Given that VTQ content is all assessed or examined, and an A Level only ever examines a proportion of the syllabus, this could be a very large disadvantage. A teacher responding in a personal capacity noted concerns that due to size of qualifications, learners may be advantaged compared to later cohorts.

Another respondent also requested greater clarity on whether there can be a reduction in content in VTQs. They said that the guidance for A Levels permits a reduction in the content delivered to students as questions will be adapted, but that there is no clear statement about this in this guidance. They felt that VTQ students might therefore be disadvantaged by having to cover all of the content they would usually have been expected to in a normal year.

Some respondents commented on the need for the information about adaptations to be made available at the start of the academic year so as to give tutors and exams officers time to ensure that correct teaching learning and assessment takes place. Another exams officer responding in a personal capacity said that learners in 2020 to 2021 were still impacted by the ongoing pandemic and were being disadvantaged by not being in scope to receive a calculated result unlike learners in the summer.

Another respondent said that provision for calculated grades should continue in 2020 to 2021 because assessments may not take place.

One senior leader responding in a personal capacity asked for clarification on the how progress measures would use calculated results.

One teacher responding in a personal capacity said that the principles did not support students or teachers in the state system but instead sought only to protect the validity and reliability of 'an already inherently unfair system and the commercially driven and self-interested exam boards.' They also commented on the advantages they believed learners in private schools had in dealing with the consequences of the pandemic.

One teacher responding in a personal capacity commented on the difficulty that learners would face in completing assessments arising from work experience.

A representative body for awarding organisations said that members generally felt that the four revised principles were appropriate and agreed that principles should not be a hierarchy. They asked Ofqual to confirm however that the principles were not in a hierarchy to avoid confusion. Whilst recognising the need for a short consultation period, they also commented that the limited time for awarding organisations to consider the principles might mean that further issues arise when they have the opportunity to further reflect on the principles as they work through their adaptations. They also asked for clarification on what evidence awarding organisations should retain to demonstrate compliance with the principles.

They also provided feedback on the individual principles:

- they welcomed the inclusion of 'assist' in revised principle 1 which they felt was a useful addition to emphasise that awarding organisations are ultimately not in a position to fully mitigate all potential issues that could arise from a global pandemic, and asked for clarification on whether, if an adaptation does not assist with 'mitigating the impact on teaching, learning or assessments

caused by the coronavirus', it should not be used and the awarding organisation should work within the General Conditions of Recognition

- the use of 'as far as possible' in principle 2 [insert] and the subjective qualifiers used in principles 1 and 4 [insert] raised questions from members about how awarding organisations would be expected to evidence that they had met the requirements outlined in the principles. However, on balance, these qualifiers were felt to be useful in giving awarding organisations the flexibility to implement adaptations in a way best suited to their learners, centres and qualification type. They also asked for clarification on whether principle 2 applied to all qualifications that sit outside of the Extended ERF or just general qualifications
- principle 3 could be seen as an 'umbrella' principle that sits over and above the other principles. Unlike the other principles, there is no subjective qualifier included in the principle which might suggest that it is of greater significance
- there will be significant challenges in trying to maintain standards between adapted and non-adapted qualifications as required by principle 4. There are likely to be several different types of adaptation in play for every qualification with arrangements potentially needing to be considered on a case-by-case basis for centres (e.g. where centres have varying levels of access to key equipment, where local lockdowns are in place etc). Some additional guidance on ensuring consistency in this context would be valuable

A number of individual awarding organisations also said that they agreed with the principles but had no comments to make. Another awarding organisation also said that these principles seem fair but also said that it appears that principle 3 overrides the other principles, as it says "An Awarding Organisation must..." whereas the other principles say "as far as possible...". They asked that we clarify whether it is the case that principle 3 overrides the other principles. Another awarding organisation noted that some qualifications are influenced by third parties, such as sector skills bodies, which may necessitate different approaches, which may conflict with principle 4. Another awarding organisation also asked for further guidance on awarding organisation accountability for the changes.

One awarding organisation asked for clarification on whether the use of the remote assessment and remote invigilation constitutes an adaptation. Other awarding organisations asked for clarification on where a change to an assessment or a qualification was significant enough to be considered to be an adaptation under the Extended ERF and how the Extended ERF interacted with the General Conditions of Recognition.

We were also asked for clarification on the availability of calculated results for 'inflight learners' These are learners who were eligible for calculated results in summer 2020 and who are progressing into the second year of their qualification which will be awarded in summer 2021.

Guidance on adaptation

QUESTION 2: Do you have any comments on the proposed guidance on adaptation set out in the second draft version of the Extended ERF?

Twenty-nine respondents provided comments in response to this question, some of who responded only to say that they agreed with the guidance and had no further comments to make.

A centre representative body commented on the need for awarding organisations to take consistent approaches and for there to be clarity on how this will be assured. They said that a lack of consistency in summer 2020 caused unnecessary confusion for college staff and thus students. For professional and licence to practice qualifications, they said that it was important to balance maintaining standards and reliability and taking account of professional/sector body views with the need for adaptations to be manageable for college staff and students and in line with government public health advice. They also said that there needed to be clarity of approaches that will be taken to functional skills which can both be short and on demand for adults and or apprentices, but also delivered as part of an academic year study programme. They also suggested a range of adaptations for Applied General qualifications and emphasised the need for centres and students to be properly prepared for remote assessment and/or remote invigilation if they were the adaptations proposed by awarding organisations. Finally, they commented on the need for any cost implications for centres to be made clear as exam and assessment fees constitute a significant part of a college budget and will have been planned for in advance. They did not expect that there would be any additional costs arising from the adaptations.

A respondent from a representative group asked for clarity for students, teachers and centres on how they could raise any issues with awarding bodies in relation to adaptations. They stressed the need for adaptations to be developed in good time, especially in response to local situations and national changes resulting from the coronavirus (COVID-19) pandemic.

Another teacher responding in a personal capacity said that exam boards should have a designated contact for each centre to liaise with Heads of Departments. This would allow for adaptations to run smoothly as centres have a designated point of contact who is someone who is involved in the process and can make recommendations that fit with the regulations. They also commented that there was a need for awarding organisations to amend the briefs for many assessments as it was currently impossible for work to be completed using the existing briefs. If awarding bodies choose not to do so, then there could be many students disadvantaged.

A teacher, responding in a personal capacity, said that flexibility was needed and that guidance on the implementation of Reasonable Adjustments, for example on the use of scribes and readers in the context of social distancing guidelines, was imperative.

An individual responding from a centre requested guidance from Ofqual on the equalities' considerations for adaptations. With adaptations involving more technology and recording equipment, they felt that there may be certain groups that are unduly

affected by certain adaption methods and that there were additional safeguarding considerations which should be taken into account.

Another teacher responding in a personal capacity said that it was too late to put any meaningful adaptations in place as teaching has already begun and it had been assumed that exam boards were not making any alterations to their specifications. It was not possible therefore for awarding organisations to provide clear and timely information and it might take a long time for awarding organisations to agree on similar approaches. They also said that if exam boards were to make changes, they should ensure that there was sufficient support for staff and that the needs of all stakeholders, not just awarding organisations, should be taken into account.

One exams officer responding in a personal capacity said that alternative assessment methods were necessary for Health and Social Care learners as it would not be possible to undertake direct observations of performance in many cases.

One organisational response from a centre commented on the need to standardise time requirements for work experience/practical skills elements across awarding organisations, but that it was not clear how this would be achieved. Another respondent from a representative group commented along similar lines, asking that the criteria for the substitution of evidence required across awarding organisations should be standardised.

Another teacher responding in a personal capacity questioned whether it would be possible to make more teaching and learning time available, pointing out that their students have lost 40 hours of guided learning (GLH) and could experience a second lockdown.

A representative body for awarding organisations said that, generally, members felt that the guidance provided on adaptation was useful – it was not overly prescriptive and can be applied flexibly to different qualifications and contexts. They asked for clarity however on where adaptations were considered significant enough to require regulation under the Extended ERF instead of the General Conditions. They also commented that some types of qualification (e.g. graded music qualifications, sports-related qualifications) may be impacted differently by official advice outside of the control of awarding organisations (e.g. any government guidance limiting arrangements such as after school clubs or access to sports facilities). They felt that it would be useful if this issue was explicitly mentioned in the guidance. They also said that the reference to T Levels in the section on consistency of approach the guidance was not helpful as each qualification is only offered by one awarding organisation. They also pointed out that awarding organisations' communications to centres were sometime contingent on other stakeholders, for example the Department for Education guidance on PTQs. They also asked for clarification on our expectations on how awarding organisations should work with their centres, and whether they must consult with them.

A number of awarding organisations said that the guidance provided sufficient flexibility for them and many of this group envisaged working closely with centres to agree adaptations.

Some awarding organisations expressed concerns around whether that it would be possible to have a uniform approach with other awarding organisations offering

similar qualifications because of the variety of assessment approaches built into their qualifications.

An individual awarding organisation commented on the challenges faced around the accessibility of suitable and safe venues for learners taking dance and musical theatre examinations. They said that dance and musical theatre teachers use very different, often hired, venues and have to take into consideration numerous guidance documents affecting schools, colleges, community halls, sports venues, leisure centres, which are outside their control. They also have to take account of local lockdowns and changes affecting access to venues across the UK as well as internationally.

Another individual awarding organisation commented to say they felt that the guidance appeared to assume that courses are delivered over an academic year, which may not hold true in all cases. Some qualifications offered by that particular awarding organisation would be delivered over shorter timelines and with some training providers not aligning with traditional academic years.

A number of awarding organisations requested further guidance around adaptation, specifically on the type of adaptations that may be permitted. One awarding organisation suggested that sector led working groups would help inform decisions made on adaptations by awarding organisations. These groups would enable discussion between awarding organisations, the sharing of customer feedback, best practice and help to standardise the approach across organisations.

Special Consideration

QUESTION 3: Do you have any comments on the proposed guidance on Special Consideration set out in the second draft version of the Extended ERF?

Twenty-three respondents provided comments, some of whom said that they agreed with the guidance but made no further comments.

Individual respondents and representative bodies agreed that adaptation as the first mitigation before considering Special Consideration appeared sensible.

Several respondents commented on the need to monitor the impact of local lockdowns or isolated outbreaks in centres on teaching, learning and assessment. Similar points were made by other respondents who also said that schools should be able to ask for Special Consideration on a localised basis.

Some centres expressed concerns that adaptations to qualifications and assessments could lead to conflicts with principle 2 requiring additional forms of Special Consideration. They felt that certain groups of learners might be disadvantaged by adaptations to assessments.

One teacher responding in a personal capacity said that it was too late to consider Special Consideration. Another teacher responding in a personal capacity said that the guidance on Special Consideration did not take account of the fact that centres have lost months of time that may have been allocated to the completion of an entire coursework unit. They said that Special Consideration ought to be given to individual

units and cited the example of photography unit that learners cannot access which contributes 25% of their GCSE.

One respondent raised concerns that the approach to Special Consideration could disadvantage learners who were not assessed through in person examinations. They commented further to ask that any Special Consideration changes and guidance from Ofqual can clearly show where the line lies between using Special Consideration 'responsibly' and in accordance with General Conditions of Recognition, and where it is inappropriate to use it for coronavirus (COVID-19) pandemic related circumstances.

A representative body for awarding organisations said that the guidance on Special Consideration provided useful clarification that awarding organisations should explore adaptations before deciding to apply Special Consideration. The representative body also said that they felt that this should help to ensure that awarding organisations are better able to manage the administrative burden associated with each Special Consideration request by ensuring that it is only deployed in exceptional circumstances. They also asked for clarification on the information awarding organisations should make available to their centres on Special Consideration.

Several individual awarding organisations agreed that, where possible, all efforts should be made to allow a candidate to take the assessment and that all avenues should be explored before considering the application of Special Consideration. Another awarding organisation said that Special Consideration should apply only in those circumstances which cannot be mitigated for in advance, and that, therefore coronavirus (COVID-19) pandemic related events did not fall in to this category.

Two other awarding organisations requested further guidance on whether the guidance suggested a hierarchy of Special Considerations.

The need to be clear about the different purposes of adaptation, reasonable adjustments and Special Consideration was also raised by respondents.

Autumn assessment opportunities

QUESTION 4: Do you have any comments on the proposed regulatory arrangements for autumn assessment opportunities?

Twenty-one respondents provided comments in response to this question.

A number of awarding organisations said that they did not offer assessments in the autumn and so had no specific comments on the approach we proposed.

A number of respondents, including a representative body for awarding organisations and individual awarding organisations, agreed that the arrangements for the autumn assessment opportunities were clear and made sense.

Many other respondents commented on the importance of clarity around the arrangements, with several awarding organisations suggesting that it would be useful to be provided with exemplifications of how the regulatory frameworks interacted. It was felt that this would help to give clarity to centres, especially those

dealing with a wide range of qualifications across sectors and awarding organisations.

A further comment received from an awarding organisation cautioned that this approach may become complex for candidates who are 'in-flight', with achievements that straddle both the ERF and the Extended ERF.

A centre representative body also said that it needed to be clear to centres when the original ERF finishes and the Extended ERF starts and if there was any impact on learners.

One exams officer responding in a personal capacity said that decisions needed to be made more quickly as assessments were being delayed.

One teacher responding in a personal capacity said that learners taking the examined unit before the internally assessed units could be disadvantaged.

Another teacher responding in a personal capacity commented on the burden on teachers and centres arising from the autumn assessment opportunities.

Equality Impact

QUESTION 5: Are there any potential positive or negative equality impacts arising from the proposed principles, the proposed guidance on adaptation and Special Consideration, and the proposed regulatory arrangements for autumn assessment opportunities, apart from those we have explored? If yes, what are they and how might they be mitigated?

Sixteen respondents provided comments in response to this question.

A representative body commented on the importance of considering the diverse range and circumstances of students before any adaptations, such as online assessments or remote invigilation are put in place.

A centre representative body expressed concerns that there may be conflicts between Special Consideration and assessment adaptations, such as whether one or the other, or both should apply, especially in the instance of private candidates. A teacher, responding in a personal capacity, commented that Special Consideration should be available for individual units due to the amount of time that may have been lost.

One respondent commented that students taking externally-marked units during the second year of a 2-year course could be disadvantaged compared with those who received calculated grades for the same units taken in the first year of their courses. Another individual made similar comments, that the order in which students take units could lead to some being disadvantaged, and that learners could also be disadvantaged if different approaches were taken by different organisations for similar qualifications.

A teacher, responding in a personal capacity, commented that some students could be disadvantaged due to absence, while other students are still in school, and that this could affect things like group work.

A teacher, responding in a personal capacity, commented on the drafting of the proposed principles. They commented that the language would make the documents difficult for teachers to understand, which could lead to students being disadvantaged, if their teachers did not have time to read and understand what is required.

A number of awarding organisations requested further guidance on how to achieve compliance with Condition D2 (Accessibility of Qualifications), especially where assessments have to be moved to a remote assessment or invigilation model. One awarding organisation felt that by not including the original principle 1 from the ERF, which prioritised the issuing of results, that awarding organisations could not introduce adaptations unless they were accessible to all learners.

One awarding organisation made comments related to the non-regulated qualifications they offer and the arrangements they intended to put in place.

A representative body commented to request a specific alteration to the conditions. They requested that the requirement in the Extended ERF that refers to an awarding organisation ensuring that it minimises bias, as far as possible, when it is making any adaptations to a VTQ, should be removed.

Regulatory Impact

QUESTION 6: Are there any potential regulatory impacts arising from the proposed principles, the proposed guidance on adaptation and Special Consideration, and the proposed regulatory arrangements for autumn assessment opportunities that we have not explored? If yes, what are they and how might they be mitigated?

Eighteen respondents provided comments in response to this question.

Representative groups raised concerns about manageability and costs for centres. They noted that any adaptation proposal which requires new equipment or training for staff and students would have cost implications which will not have been budgeted for by centres. They commented that it would be important, if new systems are required, that awarding organisations use the same systems. One teacher responding in a personal capacity commented that increased funding would be required.

An exams officer commented that awarding organisations should outline their approaches as soon as possible so that it was clear to centres what they needed to do. Similar points were made by other respondents.

A centre commented that it would be important for there to be consistent approaches between awarding organisations in the same sector and that it would be important for this to be timely and for Ofqual to facilitate this to ensure it happens.

A number of awarding organisations also responded to highlight the costs that awarding organisations would incur in relation to adaptations. Many were keen to stress that the costs for new systems and technology would likely to be an ongoing cost for most organisations. One respondent also stated that the record keeping that is requested by Ofqual has added regulatory burden to the process that hasn't been considered here.

One awarding organisation highlighted the difficulty in predicting costs in the current situation with the coronavirus (COVID-19) pandemic where there may be further restrictions and changes in arrangements (both nationally and locally) which could result in costs increasing.

An awarding organisation commented that they were concerned the Extended ERF was not explicit about cases where qualifications may continue to be offered without adaptation. In particular, they requested clarification about whether, for qualifications that have more than one assessment option, one of which is remote and one which isn't, would use of the remote option, regardless of whether it was as a result of the pandemic, constitute an adaptation.

One awarding organisation made comments related to the non-regulated qualifications it offers and the arrangements it intended to put in place.

Annex A: List of organisational respondents

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

ABRSM
Academy Transformation Trust Further Education
ACCA
AQA
Ark
ASCL
ASDCS
Association of Colleges
Bexhill College
Bournside School
Bradon Forest
BWYQ
Cambridge Assessment International Education
Capel Manor College
City & Guilds
Council for Dance, Drama and Musical Theatre
Etone College
Federation of Awarding Bodies
Gp strategies
Graded Qualifications Alliance (GQAL)
HOLEX
ICM
IMI
Lantra
NASUWT
NCFE
NCTJ Training Ltd
NEU

OCR

Pearson Education

Prince Henry's High School

Queen Elizabeth High School

Ridgewood School

Skills and Education Group Awards

TQUK

University and College Union

VTCT

WCSM



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