

CONSULTATION

Regulatory arrangement for the awarding of Vocational and Technical and Other General Qualifications in 2020 - 2021

The VTQ Contingency Regulatory Framework

ofqual

Contents

Proposals at a glance	4
Audience	4
Consultation arrangements	5
Duration	5
Respond	5
Introduction	6
Background	6
Consultation approach	6
Decisions made following our first consultation	6
The VTQ Contingency Regulatory Framework	8
Overall approach to the determination of results	8
Structure of the VCRF	11
Principles	13
Qualifications in Category B	19
Adaptation of assessments and qualifications in Category A and Category B	29
Other provisions	30
Equalities Impact Assessment	32
Regulatory Impact Assessment	37
Annex A - Your data	42
Annex B - Ofqual's objectives and duties	46
The Apprenticeship, Skills, Children and Learning Act 2009	46
The Equality Act 2010	47
Annex C - Information for centres about making objective judgements	50
Making objective judgements	50
Objectivity in grading decisions	50
Unconscious effects on objectivity	50

*Regulatory arrangement for the awarding of Vocational and Technical and Other
General Qualifications in 2020 - 2021*

Using previous data to check on the objectivity of judgements being made	51
Reviewing judgements	52

Proposals at a glance

The impact of the coronavirus (COVID-19) pandemic has led the Department for Education (the Department) to reach the policy view that it is not viable for external exams to go ahead for some Vocational and Technical Qualifications (VTQs) and other general qualifications.

We are consulting on our proposed arrangements for 2021 in 2 stages.

The [first consultation on the alternative arrangements for the award of VTQs in 2021](#) ran from 15 January to 29 January 2021 and was in 2 parts. In Part A of the consultation, the Department asked for views on which qualifications fall in scope of their policy that exams should not take place. They also asked for views on any equalities implications of their policy. In Part B of the consultation, we consulted on the alternative regulatory arrangements we would need to put in place to enable students and other learners taking VTQs and other general qualifications to receive results if exams and other assessments did not take place.

Following the consultation, the Secretary of State has [issued a direction to Ofqual](#). In this, he has set out his policy intention for 3 broad groups of VTQs and other general qualifications and how results should be awarded.

In line with the direction, we are now consulting on the detail of the regulatory framework we propose to put in place to enable awarding organisations to issue results to learners taking these qualifications so that they can progress to the next stage of their education. This regulatory framework will be called the VTQ Contingency Regulatory Framework (VCRF).

We are not consulting on any changes to our overall regulatory approach but have refined our thinking around the detail of the framework in light of feedback from the previous consultation and our engagement with awarding organisations.

Audience

This consultation is open to anyone who may wish to make representations but may be of particular interest to:

- the awarding organisations we regulate, and their representative bodies
- teachers, tutors, exam staff and other representatives from schools, colleges, training providers, apprenticeship providers, and other places where the relevant qualifications are delivered
- learners and apprentices who are expecting to sit assessments and/or be awarded a vocational or technical qualification, or other general qualification, in 2021

- the family, parents or carers of these learners
- teachers, tutors, exam staff and other representatives from schools, colleges, training providers, apprenticeship providers, and other places where the relevant qualifications are delivered
- the awarding organisations we regulate, and their representative bodies
- higher education institutions, further education colleges and training providers that may be making offers to learners for future academic years
- education representative bodies
- employers who might be receiving job applications from learners taking these qualifications, or who might already employ these learners
- professional bodies, regulators and industry groups

Consultation arrangements

Duration

This consultation will be open for 2 weeks starting on 25 February 2021 and ending on 11 March 2021 at 23:45. We recognise this is a much shorter period than we would normally allow for consultation, but we believe it is necessary and reasonable in the current situation. Once our regulatory framework is confirmed awarding organisations will be able to provide their centres with more certainty about the arrangements for 2021 as quickly as possible.

Respond

Please respond to this consultation by completing the [online response form](#).

For information on how we will use and manage your data, please see Annex A.

Introduction

Background

The impact of the coronavirus (COVID-19) pandemic has led the Department to reach the policy view that it is not viable for external exams to go ahead for some VTQs and other general qualifications.

Consultation approach

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

The first stage of [our consultation](#) ran from 15 January to 29 January 2021.

This consultation was in 2 parts. In Part A of the consultation, the Department asked for views on which qualifications fall in scope of their policy that exams should not take place. They also asked for views on any equalities implications of their policy. In Part B of the consultation, we consulted on the alternative regulatory arrangements we needed to put in place to enable students and other learners taking VTQs and other general qualifications to receive results if exams and other assessments did not take place. As part of this consultation we also asked about the regulatory and equalities impacts of our proposals.

Decisions made following our first consultation

We noted the high level of agreement with the proposals set out in [Part B of our previous consultation](#) and have decided to implement them in full.

We have decided to introduce a new regulatory framework. This will be called the VTQ Contingency Regulatory Framework (VCRF).

The VCRF will permit awarding organisations to issue results on the basis of teachers' judgements of learners' performance (to be referred to as Teacher Assessed Grades¹) when exams do not take place and/or when learners cannot complete all internal assessment. These provisions will apply to those qualifications identified by the Department [in the direction issued to Ofqual](#) as set out below:

- for those VTQs and other general qualifications most similar to GCSEs, AS and A levels, where exams and other assessments will not continue as normal, our expectation is that awarding organisations will put in place similar

¹ In this context the term teacher is used to encompass any member of staff at a centre who is involved in the delivery and assessment of the qualification.

approaches to awarding as those put in place for GCSEs, AS and A levels, where possible and appropriate

- for those qualifications which support progression to further study or employment but which have different characteristics to GCSEs, AS and A levels, exams and assessments should continue where safe to do so, remotely or in-person. Where learners are ready to sit the exams or assessments but are not able to do so, we will permit awarding organisations to issue results to learners using alternative evidence including Teacher Assessed Grades. Where exams and assessments continue, we will permit awarding organisations to continue to make adaptations to assist in mitigating the impact of the pandemic

The direction also sets out those qualifications which should only be awarded on the basis of assessments, adapted or otherwise which have been completed by the learner. These qualifications include occupational and professional qualifications and those which act as a licence to practise where it would not be safe to award on the basis of Teacher Assessed Grades. Under the VCRF, exams and assessments for these qualifications should continue where it is safe to do so, remotely or in person.

These arrangements will apply to both certificating and non-certificating learners.

We will also require awarding organisations to be mindful of the burden their approach to awarding places on centres and learners, to work together to develop consistent approaches where appropriate, and to provide clear and timely advice and guidance to centres.

We have also decided to:

- supplement General Condition I1 with additional statutory guidance around appeals for qualifications
- require awarding organisations to include private candidates in their arrangements for awarding as far as possible
- permit awarding organisations to take the same approach to awarding for qualifications which are also taken in international markets, provided that this does not undermine the validity of the qualifications and that any risks around malpractice and the particular needs of the international market are considered and addressed

In parallel with the first consultation, we have worked with awarding organisations and sector bodies on the development of the regulatory arrangements we would need to put in place to implement DfE's policy.

We are now consulting on the detail of the VCRF.

The VTQ Contingency Regulatory Framework

Overall approach to the determination of results

1. We introduced the Extraordinary Regulatory Framework in May 2020 (the ERF) as an emergency measure to permit awarding organisations to take approaches to issuing results during the summer that are not normally allowed by our General Conditions of Recognition (GCR). This was because assessments either could not take place or could only take place in an adapted form due to the national lockdown resulting from the coronavirus (COVID-19) pandemic. The ERF applied to VTQs, and general qualifications other than GCSEs, AS and A levels, Extended Project Qualifications and Advanced Extension Award in maths. It also did not apply to apprenticeship end-point assessments.
2. In October 2020, we issued a second version of the ERF, the Extended ERF, to address the different circumstances of 2020/21, when exams and assessments were expected to take place but in the context of ongoing disruption arising from the pandemic. To assist in minimising the impact on learners, we permitted awarding organisations to make adaptations to their assessments and qualifications, where they could do so without undermining the validity and reliability of the qualifications. The Extended ERF applies to all Ofqual regulated qualifications apart from GCSEs, AS and A levels and apprenticeship end-point assessments.
3. Both regulatory frameworks require awarding organisations to design and implement approaches which are appropriate for their qualifications but allow us to promote consistency in a number of ways – through the inclusion of principles to guide awarding organisation decisions, through our requirements and statutory guidance, and through our regulatory oversight and monitoring mechanisms.
4. At the time of our first consultation, our starting point was that the alternative arrangements we needed to put in place to allow awarding organisations to issue results in the context that exams and other assessments may not be viable, could largely build on the provisions in the Extended ERF.
5. In light of the feedback from the consultation and our engagement with awarding organisations and other stakeholders, we have now concluded that neither framework (ERF or Extended ERF) on its own provides the appropriate mechanism for the alternative arrangements for awarding needed in 2021 given some of the differences in relation to the context in 2021.
6. These differences include:

- a. A different set of arrangements for awarding GCSEs, AS and A levels in 2021 which needs to be reflected in the arrangements for awarding for those VTQs and Other General qualifications most similar to those qualifications.
 - b. Different learner/centre experiences in leading up to this point compared to 2020. For example, in general, in 2020, at system level, it could be assumed that the majority of a 2-year course had been completed with little disruption; whereas we have to assume much greater disruption this year.
 - c. Some educational engagement is taking place and some exams and other assessments are still continuing, often remotely, with others potentially restarting when it is safe to do so. In summer 2020 we assumed that there would be little scope for continuation of teaching and learning and that many exams and other assessments would have to be delayed until centres were able to open. In line with the adaptations permitted under the ERF and the Extended ERF awarding organisations have been able to introduce remote assessment and remote invigilation allowing more assessments to continue.
7. As such, the regulatory framework we propose to put in place needs to reflect this different context and the different policy decisions [set out in the direction](#). For example, it needs to reflect:
- a. an emphasis on judgements/grades being based upon actual performance rather than 'potential' (in 2020 this was phrased along the lines of 'the result that Learner would have been most likely to receive if he or she had completed the relevant Component or qualification')
 - b. the likelihood that, even though many VTQs are modular or unitised, learners certificating this summer will have had less opportunity to complete and 'bank' assessments (exams or internal assessments) compared to learners in March 2020 because of the ongoing disruption caused by the pandemic and the permissive approach taken to the January exams
 - c. the need for parity between learners who did not take the examinations they were due to sit in January, as well as for those that did sit the examinations but feel that their performance was adversely affected by the lockdown and disruption caused by the pandemic
 - d. greater flexibility in the timescale around eligibility for Teacher Assessed Grades compared to 2020 because of the longer time period of the disruption
 - e. a reminder of awarding organisations' duties under Data Protection Law when determining results
8. In his direction to Ofqual, the Secretary of State has set out his policy intentions for awarding VTQs and other generals, including those where his policy

position is that exams are not viable and cannot take place. Given the range of delivery models that are used in VTQs, we do not intend to prevent assessments from going ahead where they can be delivered as normal. However, we do not consider that awarding organisations can deliver and mark assessments in the normal way for learners taking those qualifications that are most similar to GCSEs, AS and A levels.

9. Exams and other assessments for some VTQs will continue, including professional, competency or licence to practise type qualifications. For such qualifications, the adaptations that awarding organisations have put in place will need to continue (and may be added to) and results will not be awarded through the Teacher Assessed Grades. Additionally, some qualifications which may be awarded using Teacher Assessed Grades, may also have some units or components which have aspects which are subject to adaptations. Both of these groups of qualification will need to be regulated by the provisions currently in the Extended ERF.
10. On this basis, we propose to rationalise the two regulatory frameworks and issue a new regulatory framework to be called the VTQ Contingency Regulatory Framework (VCRF).
11. We propose to bring the ERF and the Extended ERF to a close. We will, however, issue a notice retaining the ERF solely for learners still eligible to receive or to carry forward a 'calculated result'², and to capture appeals issued under the ERF.
12. The VCRF will include new provisions to enable awarding organisations to award results using alternative evidence where exams and/or internal assessments do not take place. It will also carry forward the provisions from the Extended ERF to permit awarding organisations to continue with adaptations.
13. Our intention is that the VCRF will be sufficiently flexible to enable us to regulate qualifications beyond this summer without the need for further detailed consultation. For example, if, in the next academic year, it is viable for all exams and assessments to continue, we could stand down the provisions which allow awarding organisations to award results using alternative evidence but could retain the provisions around adaptations if they were still needed.
14. The VCRF would apply to all Ofqual regulated qualifications which support progression to further or higher study, or to (or through), employment which are available from Entry level to Level 6, apart from those qualifications covered under the framework for GCSEs, AS and A levels and apprenticeship end-point assessments. This is broadly in line with the approach taken last summer for the ERF.

² In line with the ministerial direction issued in April 2020 for those qualifications which supported progression to further and higher study and to employment, we permitted awarding organisations to issue calculated results to learners where assessments did not take place.

15. In line with the approach we took in the ERF and the Extended ERF, the regulatory framework we are proposing to put in place is not prescriptive and allows awarding organisations to decide on the appropriate approach for their qualifications. We set out, and seek views on, the detail of the VCRF in the following sections of this consultation.

Consistency between awarding organisations

16. We understand how important it is that awarding organisations take consistent approaches to the determination of results and their adaptations to assessments and qualifications so that as far as possible learners are neither advantaged nor disadvantaged compared to their peers. We have reflected this throughout the VCRF – in the principles, in our conditions, requirements and statutory guidance.

Question 1:

Do you have any comments on our proposed overall approach to the determination of results in the VCRF?

Question 2:

To what extent do you agree or disagree with our proposal that we should bring the ERF and Extended ERF to a close?

Structure of the VCRF

17. We are proposing to include provisions in the VCRF, targeted at 2 groups of qualifications.
18. Qualifications in **Category A** would be those VTQs where we would permit awarding organisations to only issue results on the basis of evidence from exams and other assessments.
19. These would be qualifications which assess occupational or professional competency, proficiency, or act as a licence to practise, where it would not be safe to award these qualifications using alternative evidence. It would also include performing arts graded examinations which assess proficiency. For these qualifications, as far as possible, awarding organisations will continue to make exams and other assessments available to learners, remotely or in person where it is safe to do so. We will permit awarding organisations to carry forward the [adaptations already made under the Extended ERF](#) or to make further adaptations where this can be done without undermining the validity and reliability of the qualifications, to enable as many learners as possible to receive results. In some cases, where, even with adaptations, it is not possible

for exams and assessments to take place, then awarding organisations can delay them.

20. Qualifications in **Category B** would be those VTQs and Other General qualifications where we would permit awarding organisations to issue results using alternative evidence when exams and/or internal assessments do not take place, and/or when learners cannot access the assessments.
21. These would be those qualifications which are used for progression to further or higher study or into employment, where the issuing of results to learners should be prioritised. It would include those qualifications most similar to GCSEs, AS and A levels, where will we expect awarding organisations to award results in a similar way to those qualifications where possible and appropriate; examples of which are Applied Generals, Tech Awards and Tech Levels. For these qualifications, as is the case with GCSEs, AS and A levels, the Secretary of State's policy intention is that it is not viable for exams or internal assessments to continue as normal because of the disruption to teaching, learning and assessment caused by the pandemic.
22. Some Tech Awards, Tech Levels and other vocationally related qualifications which we would place in Category B are also used for progression into employment and so require the assessment of occupational skills or experience, for example Childcare and Early Years qualifications. Without these assessments, the qualifications could not be validly awarded. Where this is the case, we would expect awarding organisations to use evidence from these assessments in the award of results. We know that this is likely to mean that the approach to awarding for these qualifications has to be different to that used for GCSEs, AS and A levels, although we would expect awarding organisations to use similar approaches to awarding as far as possible for components/assessments which in themselves are not assessing the requisite occupational skills.
23. Within Category B, we would also include those qualifications which are important for progression to further or higher study or employment, but which are different from GCSEs, AS and A levels. These qualifications are generally smaller, tend to be at lower levels, don't always follow an academic year cycle and learners can sit the assessments when they are ready because exams or assessments are available on-demand. Learners would therefore have the opportunity to sit assessments later in the year if teaching and learning has been disrupted. Examples include FSQs and ESOL Skills for Life. For these qualifications, we will expect awarding organisations to make exams and assessments available to learners remotely or in person, where it is safe to do so. However, where learners are ready to sit exams or assessments for these qualifications but cannot do so, then we will permit awarding organisations to issue results based on alternative evidence. So that there is parity between learners, we propose to work with awarding organisations to develop common approaches to determining when learners can receive a result for these qualifications through the alternative arrangements for awarding.

24. We will make it clear which qualifications are in scope of Category A and B by publishing a qualification explainer tool, similar to the one we issued in summer 2020. We will publish the qualification explainer tool when we have concluded this consultation.

Question 3:

Do you have any comments on the two proposed categories of qualifications within the VCRF?

Principles

25. Both the ERF and Extended ERF have been based upon a number of underpinning principles, reflecting the different contexts: summer 2020 where exams and assessments could not take place, and autumn 2020 when exams and assessments were expected to take place. Awarding organisations used these principles to guide the decisions they needed to make for their qualifications.
26. These principles are set out below in Table 1.

Table 1: principles from ERF and Extended ERF

	ERF (May 2020)	Extended ERF (October 2020)
Principle 1	An awarding organisation must seek to issue results in spring and summer 2020 that – (a) meet the requirements of the VTQCov Conditions, and (b) in particular, are based on evidence (whether from an assessment or otherwise) which ensures that they are sufficiently valid and reliable, to as many Learners as possible who are taking a VTQ which it makes available.	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 Covid-19 pandemic for Learners taking that qualification.

<p>Principle 2</p>	<p>An awarding organisation must seek to ensure that each result that it issues is as reliable as possible and reflects, as far as possible –</p> <p>(a) the Learner's potential level of attainment in summer 2020, where that result is calculated, and</p> <p>(b) in all other cases, the Learner's level of attainment as demonstrated in an assessment for the qualification.</p>	<p>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 ExtVTQCov Framework.</p>
<p>Principle 3</p>	<p>An awarding organisation must seek to ensure that its approach –</p> <p>(a) minimises burdens as far as possible, and</p> <p>(b) is as deliverable as possible, including by Centres and Teachers, with appropriate oversight by Ofqual.</p>	<p>An awarding organisation must seek to ensure that, where it makes any Adaptations to its qualifications in accordance with the ExtVTQCov Conditions, the Validity and Reliability of those qualifications is sufficiently maintained.</p>
<p>Principle 4</p>	<p>An awarding organisation must seek to maintain standards, as far as possible, within the same qualification in line with previous years.</p>	<p>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.</p>
<p>Principle 5</p>	<p>An awarding organisation must seek to maintain standards, as far as possible, across similar qualifications made available by the awarding organisation and by other awarding organisations.</p>	

Operating mechanism	An awarding organisation should secure compliance with the principles to the greatest extent possible. Where there is a conflict between two or more principles such that compliance with one principle will reduce the degree to which an awarding organisation can comply with another, an awarding organisation can give priority to the principles in accordance with their hierarchy	An awarding organisation must take all reasonable steps to comply with all of the principles. The principles do not have a hierarchy.
----------------------------	---	---

27. In our previous consultation, we asked for views on whether the principles within the Extended ERF remained appropriate for use in the context of 2021. At the point we consulted, it was not clear whether or not it would be viable for any exams to continue and it was possible that internal assessments would be expected to continue.
28. Respondents from awarding organisations in particular were clear that they considered the principles in the summer 2020 ERF to be more appropriate for use in 2021 if they were to be asked to award results in the context that exams and assessments would not take place. This is because those principles were hierarchical in nature and designed to prioritise the issuing of results to as many learners as possible.
29. We agree with the feedback received on this point. Although exams and assessments are expected to go ahead for some VTQs, for qualifications which we place in Category B, in particular those most similar to GCSEs, AS and A levels, we will be expecting awarding organisations to prioritise the issuing of results to learners using Teacher Assessed Grades.
30. We have considered whether it is possible to implement a single set of principles which were applicable to qualifications in Category A and Category B. However, as we are asking awarding organisations to take different approaches, we do not think that that is possible.
31. For qualifications in Category A, we are expecting learners to complete assessments, and any adaptations made to those qualifications need to ensure that any assessments remain valid and appropriate. For qualifications in Category B, as noted above, we would be asking awarding organisations to deliver results to as many learners as possible where assessments are not being completed, recognising that in doing so they may need to make

compromises. Therefore, we think that a different set of principles is needed for each category.

32. We are also mindful of the need to retain stability in respect of the qualifications in Category A where exams and other assessments will continue. The Extended ERF has been successful in enabling awarding organisations to adapt and deliver their qualifications, and we wanted to retain the provisions of the Extended ERF as far as we can for those qualifications.
33. Having a separate set of principles would also allow us to include a hierarchy within the principles for qualifications in Category B, but no hierarchy for the principles for qualifications in Category A where assessments can continue (as normal or with adaptations) and there is a greater need for all of the principles to be met as far as possible.
34. We also wish to future-proof the VCRF. Looking beyond the end of the academic year, we may need to revert to a position where the expectation is that assessments take place, but there may be some disruption as things return to normal post pandemic. We want to construct the framework so that the qualifications falling in Category B for the remainder of this academic year, can revert to being offered as adapted assessments as we move into the next academic year if this is needed, rather than developing another version of the framework and putting in place a consultation process. Having separate principles within the requirements in the VCRF would permit us to 'switch off' the Category B provisions when they were no longer needed. Overall we think this approach will give greater certainty for awarding organisations and centres for arrangements as we start to look towards the next academic year.

Question 4:

To what extent do you agree or disagree with our proposal to have separate principles for qualifications in Category A and Category B?

35. In line with this proposal, we have included the following draft principles for qualifications in the 2 categories, based on the ERF and Extended ERF principles.
36. In both sets, we have updated the wording to reflect delivery in 2021 rather than 2020 and proposed other changes to reflect the different context of this year.
37. In the principles for qualifications in Category A, we have retained the principle that approaches should not advantage or disadvantage VTQ learners compared to their peers taking GCSEs, AS and A levels but have added 'where relevant'. We have done so as we recognise that this summer, this principle is

unlikely to apply to the qualifications in Category A, although it may do following this academic year if the principle applies to all qualifications (including those currently in Category B). We have also therefore renumbered this principle as principle 4.

38. We have also added additional wording to this principal to signal that approaches should not advantage or disadvantage VTQ learners compared to their peers taking similar VTQs. This change to the principle does not reflect a different policy position to that taken under the Extended ERF; it just highlights the existing expectation, as set out in the requirements and statutory guidance on adaptation, that awarding organisations should work together to develop consistent approaches wherever appropriate.
39. We have also included additional principles for qualifications in Category B to address:
- a. the need to signal that approaches should not disadvantage or advantage VTQ learners compared to their peers taking similar VTQs or GCSEs, AS and A levels, as we propose to do in the draft principles for qualifications in Category A.
 - b. the dual approach to awarding that will be in place for those qualifications, such as FSQs, where awards will be made based on results from exams and assessments, as well as through the use of Teacher Assessed Grades.
40. Substantive changes from the principles in the ERF and Extended ERF have been highlighted below.

Category A – based on the Extended ERF principles	Category B – based on the ERF principles
Principle A1 - 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 Covid-19 pandemic on Learners taking that qualification.	Principle B1 - An awarding organisation must seek to issue results in line with Condition VCR3.1 that – <ul style="list-style-type: none"> (a) meet the requirements of the VCR Conditions, and (b) in particular, are based on evidence (whether from an assessment or otherwise) which ensures that they are sufficiently valid and reliable, to as many Learners as possible who are taking a Category B Qualification which it makes available.
Principle A2 - An awarding organisation must seek to ensure that, where it makes any	Principle B2 - An awarding organisation must seek to ensure that each result that it

<p>Adaptations to its qualifications in accordance with the VCR Conditions, the Validity and Reliability of those qualifications is maintained.</p>	<p>issues is as reliable as possible and reflects, as far as possible, (a) where all assessments for the qualification take place as normal or in Adapted form, the Learner’s level of attainment as demonstrated in those assessments, and (b) where not all assessments take place, the Learner’s level of attainment as demonstrated by any relevant evidence considered in line with the requirements under Condition VCR3.4, together with any assessment that the Learner has taken for the qualification.</p>
<p>Principle A3 - 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.</p>	<p>Principle B3 - An awarding organisation must seek to ensure, as far as possible, that the arrangements it puts in place to award a Category B Qualification do not serve to advantage or disadvantage different Learners or groups of Learners taking the same qualification.</p>
<p>Principle A4 - 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 similar VTQs or, where relevant, general qualifications not covered by the VCR Conditions.</p>	<p>Principle B4 - An awarding organisation must seek to ensure, as far as possible, that the arrangements which it puts in place to award a Category B Qualification do not serve to advantage or disadvantage Learners taking that qualification against their peers taking similar VTQs or general qualifications not covered by the VCR Framework.</p>
	<p>Principle B5 - An awarding organisation must seek to ensure that its approach to awarding a Category B Qualification– (a) minimises burdens as far as possible, and (b) is as deliverable as possible, including by Centres and Teachers, with appropriate oversight by Ofqual.</p>
	<p>Principle B6 - An awarding organisation must seek to maintain standards, as far as</p>

	possible, within the same qualification in line with previous years.
	Principle B7 – An awarding organisation must seek to maintain standards, as far as possible, across similar qualifications made available by the awarding organisation and by other awarding organisations.
Operating Mechanism	
An awarding organisation must take all reasonable steps to comply with all of the principles. The principles do not have a hierarchy.	An awarding organisation must take all reasonable steps to secure compliance with the principles to the greatest extent possible. Where there is a conflict between two or more principles such that compliance with one principle will reduce the degree to which an awarding organisation can comply with another, an awarding organisation can give priority to the principles in accordance with their hierarchy

Question 5:

To what extent do you agree or disagree with the proposed principles for qualifications in Category A set out above and in the VCRF?

Question 6:

To what extent do you agree or disagree with the proposed principles for qualifications in Category B set out above and in the VCRF?

Qualifications in Category B

Alignment with GCSEs, AS and A levels

41. For those qualifications most similar to GCSEs, AS and A level in Category B, our expectation is that, as far as possible, awarding organisations use similar approaches to awarding where possible and appropriate. (Note: this expectation does not apply to those qualifications in Category B where exams and assessments are considered viable).
42. We therefore advise relevant awarding organisations to read and respond to the [consultation on the regulatory framework for GCSEs, AS and A levels](#).

43. The need for alignment has been reflected in the requirements and associated statutory guidance for qualifications in Category B in the draft VCRF.
44. We recognise that the ability of awarding organisations to adopt similar approaches to awarding as GCSEs, AS and A levels will be dependent on the design and assessment approach used in their qualifications. For unitised qualifications, in particular, it may not be appropriate to use exactly the same approach. However, we require awarding organisations to take into account the burden on learners and teachers of their arrangements and the need for there to be parity between learners.

Question 7:

Do you have any comments on our expectation that the approach to awarding for qualifications in Category B aligns with the approach to awarding for GCSEs, AS and A levels, where possible and appropriate?

Determination of results and the role of the minimum evidential threshold

45. For each qualification grade or assessment grade, it is important that it is based on sufficient evidence so that the grade is sufficiently valid and reliable. We have reflected this expectation in the requirements and statutory guidance for qualifications in Category B.
46. We propose to require awarding organisations to:
 - a. set out the minimum evidential threshold upon which it is safe to award a result
 - b. establish and comply with an approach to the determination of results which
 - i. places weight on the most appropriate sources of evidence,
 - ii. includes the quality assurance of individual results
 - iii. includes a check on whether a Centre's submitted grades appear to be significantly out of line with past performance (be that higher or lower)
47. We propose to require awarding organisations to ensure that their approach to the minimum evidential threshold leads to the determination of results that are sufficiently valid and reliable. This means that they are based on:

- a. sufficient available evidence to centres on which to base qualification level or component level Teacher Assessed Grade, and/or
- b. sufficient banked component data

We do not however propose to prescribe the exact approach awarding organisations should put in place.

48. We also propose to require awarding organisations to provide effective guidance to centres on the provision of any evidence they require the centre to provide in order to determine the results. This includes:
 - a. setting out what the minimum evidential threshold will be
 - b. what evidence will be used to determine results and how it will be used for certificating and non-certificating learners
 - c. the teacher's or centre's role in collecting the evidence and determining the initial Teacher Assessed Grade
 - d. the internal quality assurance arrangements of the centres
 - e. what information that must be provided to the awarding organisation and by when to support the delivery of results
 - f. how the awarding organisations will quality assure the initial Teacher Assessed Grade
49. We also propose to require awarding organisations to provide guidance to centres on the evidence that they may use to make Teacher Assessed Grades. This evidence may include:
 - a. performance on any assessment of the qualification, even if this has not been fully completed
 - b. performance on any class or mock assessments taken during the course of study
 - c. records of the learner's performance over the course of study including for example, progress review data, class work or participation in practical activities, demonstrations or performances
 - d. evidence from specialist teachers and other educational professionals who have worked with the learner
50. We also propose to require awarding organisations to request that centres take all reasonable steps to ensure that the Teacher Assessed Grades is based on the centre's judgement of the individual learner's actual level of attainment against the standards set for the qualifications previous level of achievement in previous years.

51. In addition, we propose to require awarding organisations to take all reasonable steps to ensure as far as possible that centres are:
 - a. consistent in the evidence used to determine the Teacher Assessed Grade
 - b. satisfied that the evidence used is generated by the learner
 - c. in relation to any learner who has a reasonable adjustment, centres take into the impact on that learner on the lack of adjustment in producing the evidence
 - d. satisfied the evidence is sufficient to support a Teacher Assessed Grade in line with the awarding organisation's guidance
52. We also propose to require awarding organisations to take all reasonable steps to ensure that a centre has in place and complies with effective internal quality assurance arrangements before submitting its Teacher Assessed Grades to the awarding organisation. This includes ensuring Teacher Assessed Grades have been reviewed by subject teachers or assessors and the relevant head of department or equivalent (where there is no person in such a role, the head of centre or equivalent). Where necessary, awarding organisations should also expect centres to be able to explain why its results are significantly out of line with past performance (be that higher or lower), e.g. if there has been significant changes in entry patterns. We also expect awarding organisations to consider the use of head of centre declarations to confirm that Teacher Assessed Grades have been awarded in line with the awarding organisation's processes and guidance.
53. We also propose to require awarding organisations to undertake quality assurance of Teacher Assessed Grades. This should ensure that the approach and evidence centres have used to determine a Teacher Assessed Grade is appropriate and in line with the minimum evidential threshold. We also propose to require awarding organisations, where necessary, to request that Centres provide information to support its results profile, e.g. in comparison to past performance. As set out in the direction, the results issued for Category B qualifications should maintain standards that are broadly comparable to previous years, although there is no expectation that the national distribution of grades follows a similar profile to previous years. We will require that awarding organisations do not issue results until any issues identified as part of its quality assurance have been resolved to its satisfaction.
54. In developing their approach to the determination of results and minimum evidential thresholds we will expect awarding organisations to work together to develop consistent approaches. This is in line with draft Principles B3 and B4 that an awarding organisation must seek to ensure that they do not advantage or disadvantage learners taking the same qualification or against their peers taking similar VTQs or GCSEs, AS and A levels. If a common approach on how to determine a result using Teacher Assessed Grades within a particular qualification type or subject/sector is agreed, we will expect awarding

organisations to have regard to that approach where relevant and to comply with it where possible or appropriate.

Question 8:

To what extent do you agree or disagree with our proposed approach to the determination of results and the role of the minimum evidential threshold?

Internal assessment

55. For those qualifications most like GCSEs, AS and A levels, we recognise that it may not be possible for all internal assessments to be completed. We expect awarding organisations to encourage ongoing participation in learning but we recognise that the disruption experienced by learners as a result of the pandemic means that assessment cannot continue as normal. We propose that awarding organisations should advise their centres to continue with internal assessment where it is helpful to form an evidence base for a Teacher Assessed Grade or it is needed to be used by an awarding organisation as the basis to determine a result. Where internal assessment continues, we expect awarding organisations to ensure that their instructions to centres do not disrupt good practice in teaching and learning and the provision of feedback to learners about their feedback on their progress and performance.
56. We do not plan to specify a minimum amount of internal assessment (or any other form of assessment) to be completed but will require awarding organisations to have sufficient evidence upon which to validly award a result.
57. For those qualifications most similar to GCSEs, AS and A levels, as noted above, awards can be made when no internal assessment has been attempted or completed. We do not therefore require awarding organisations to moderate or verify internal assessments in their normal way as set out in their Centre Assessment Standards Scrutiny (CASS) where an assessment is marked by a centre.
58. We have reflected this in our statutory guidance in the VCRF. This allows awarding organisations, where awarding a result using a Teacher Assessed Grade, to determine what approach to quality assurance is most appropriate in light of their approach to the determination of results and in light of the minimum evidential threshold. This may mean they do not use their usual CASS processes.
59. We have set out our proposed requirements to external quality assurance above with which awarding organisations would have to comply.

Question 9:

To what extent do you agree or disagree on our proposed approach to internal assessment?

Learners who sat or expected to sit exams in January 2021

60. The government's announcements regarding the January series made it clear that where learners did not feel comfortable sitting assessments they did not have to. In addition, many centres decided not to run assessments on public health grounds. As a result, many learners who had planned to sit their assessments in January did not do so.
61. In the direction, the Secretary of State also set out his expectation that all students will be able to progress fairly, irrespective of whether they sat an exam in January.
62. We agree with this policy position and recognise the importance of fairness and equity between those learners that sat the January exams and those that did not. This extends to those learners who sat the exams but who may feel that their performance in the exams was adversely affected by the pandemic and the most recent lockdown.
63. For those qualifications most like GCSEs, AS and A levels, to ensure that there is parity for learners who sat or who expected to sit exams in January, we propose to include the following requirements within the VCRF that enable non-certificating learners:
 - a. who were absent from January examinations to receive a result based on a Teacher Assessed Grade or alternative evidence
 - b. who did sit the examinations, but found that having to take those assessments in the context of the disruption caused by the pandemic in January adversely disrupted their ability to demonstrate their attainment, to receive a result based on a Teacher Assessed Grade or alternative evidence
64. We also propose to permit, but not to require, awarding organisations to take similar approaches for learners who expected to certificate following the January examinations where this is possible and appropriate.

Question 10:

To what extent do you agree or disagree with our proposed approach to issuing results to January learners?

Banked assessment

65. Generally, we would consider banked assessment already completed and quality assured by the learner to be a highly reliable source of information upon which to base an award. However, we recognise that this year there have been particular issues arising from the ongoing disruption from the pandemic.
66. For those qualifications most like GCSEs, AS and A levels, we therefore propose to permit awarding organisations to issue alternative results for banked assessments based on a Teacher Assessed Grade provided this enables them to issue a sufficiently valid and reliable award. We will not however, require awarding organisations to do so.

Question 11:

To what extent do you agree or disagree with our proposal to permit but not require awarding organisations to issue alternative results for banked assessments based on a Teacher Assessed Grade?

Unit certification

67. Particularly for unitised qualifications, some awarding organisations supplement qualification level certificates with a report of learner achievement for individual units or components.
68. For those qualifications most like GCSEs, AS and A levels, where qualifications are to be awarded using qualification level Teacher Assessed Grades, we recognise that end-users may consider unit reports of this kind unhelpful or in some cases potentially misleading.
69. Therefore, in the VCRF, we have made it clear that General Condition H6.1(a) is to be read so that, in respect of its qualifications falling within Category B, an awarding organisation is not required to issue a result for each unit and may issue a result only for the qualification. However, an awarding organisation may choose to issue a result for each unit where this is possible and does not give rise to any issues.

Question 12:

To what extent do you agree or disagree with our proposal not to require awarding organisations to issue a result for each unit and to instead only issue qualification level results?

Eligibility

70. In line with the decisions made following our first consultation we propose to require awarding organisations to issue results under these arrangements to:
- a. certificating learners i.e., those who may be issued with a qualification result in 2021
 - b. non-certificating learners i.e., those who may be issued with a unit or component level result(s) in 2021
71. We do not propose to prescribe how awarding organisations should issue results to non-certificating learners because this will be dependent on the approach to awarding that awarding organisations decide to put in place. We have however included statutory guidance on the factors the awarding organisations should consider when developing their approach to issuing results to non-certificating learners. The factors are:
- a. fairness to learners and their ability to progress
 - b. sufficiency of evidence upon which to base a valid award
 - c. manageability for centres
 - d. the uncertainty of the progress of the pandemic
72. In the draft VCRF we have proposed that the eligibility window for learners who may receive a result for a qualification in Category B is from 1 August 2020 to 31 August 2021. We consider that this would allow all learners taking qualifications in this category to access a result using a Teacher Assessed Grade or alternative evidence where appropriate.
73. We recognise, however, that this requirement gives rise to the potential of abuse. We have issued guidance on compliance with Condition A6 (Identification and management of risks) in the VCRF. We will expect awarding organisations to take account of the changed risk profile and should treat the eligibility window as a potential risk for abuse which could give rise to an Adverse Effect.
74. The government's announcement about lockdown, the closure of centres, and the viability of assessments came before many learners may have been registered for assessments in 2021. As part of the reasonable steps it takes under Condition A6.2, we will expect awarding organisations to monitor registrations to identify any unusual patterns of entry and to ensure that there is a legitimate reason for any increase in a centre's entries or that the process is not being abused in any other way.

Question 13:

To what extent do you agree or disagree with our proposed approach the issue of results for non-certificating learners?

Question 14:

To what extent do you agree or disagree with our proposed approach to the eligibility window for learners to receive results for qualifications in Category B?

Appeals

75. Following the first consultation and in line with the position set out in the direction, we will expect awarding organisations to give learners for those qualifications most closely aligned to GCSEs, AS and A levels, the right to access an appeal on the same basis as those set out for GCSEs, AS and A levels where possible and appropriate. We recognise however that the exact nature of the process might need to differ to take account of the different features of the qualifications. We have reflected this decision in the statutory guidance in the draft VCRF.
76. We are proposing in the draft conditions that where an awarding organisation discovers through an appeal process that any result it has issued is incorrect, it must do two things:
 - a. firstly, it must consider whether it is appropriate to correct a result having regard to the guidance issued under Condition H6.3(b)(i) of the General Conditions of Recognition
 - b. secondly, it must correct that result where it considers it appropriate to do so
77. This proposal effectively disapplies Condition H6.3(a) of the General Conditions, which provides that an awarding organisation must correct a result where it discovers that a result is incorrect through an appeals process. Instead, our proposal gives an awarding organisation more flexibility by allowing it to use the guidance in the General Conditions to decide whether or not it is appropriate to correct a learner's result, rather than having to do so because it was discovered through an appeals process. Any replacement result may be lower, higher, or the same.

Question 15:

Do you have any comments on the statutory guidance on appeals in the draft VCRF?

Question 16:

To what extent do you agree or disagree with our proposed approach to correcting incorrect results following an appeal?

Assessment opportunity in autumn 2021

78. In the direction, the Secretary of State sets out an expectation for Ofqual to work with awarding organisations to determine whether there is a need for different provision of autumn and winter assessments beyond those already provided. This is so that learners would have the same opportunity as GCSEs, AS and A level learners to sit an exam if they wish to improve on their Teacher Assessed Grade.
79. The approach we took in the ERF ([Condition VTQCov10](#)) to the provision of the autumn series was to require awarding organisations:
- a. who normally provide assessment opportunities between September and December of any year to additionally make those assessments available to learners who were eligible to receive a 'calculated result' and those who would ordinarily take an assessment at that time
 - b. who do not normally provide assessment opportunities between September and December to provide those opportunities where it reasonably considers there is sufficient demand and would be manageable to both the awarding organisation and centres
80. In light of the differences in approach to awarding qualifications in 2021, we are interested in views on whether the same approach would still be appropriate and so should be reflected in the VCRF.

Question 17:

Do you have any comments on the arrangements we should put in place for the provision of assessment opportunities in autumn 2021?

Adaptation of assessments and qualifications in Category A and Category B

81. In the Extended ERF, we included requirements and statutory guidance which awarding organisations had to have regard to when determining their approach to the adaptation of assessments or qualifications.
82. We propose to carry forward these requirements and statutory guidance into the VCRF so that the existing adaptations can continue and awarding organisations can add to them where appropriate. These provisions will apply to qualifications in both Category A and Category B.
83. We have made some limited drafting changes to the requirements and statutory guidance. In the requirements, we have made it clear that where a qualification contains units or components that are required to show occupational competence for employment and they cannot be adapted so as to maintain their validity, the qualification should not be awarded until those units or components are completed.
84. In the statutory guidance, as well as minor drafting changes, we have updated the “context” section to reflect the changing situation since the Extended ERF was published. We have also included a section about “delaying assessments” to make it clear that whilst we expect this approach to be kept to the absolute minimum, it may be that practical exams and assessments that are required to demonstrate occupational competence for employment cannot be delivered in line with public health guidance, and therefore have to be delayed.
85. We have made no changes to our expectations set out in the statutory guidance that awarding organisations should work together to develop consistent approaches. This is in line with draft Principle A4. If a common approach on how to adapt a particular qualification type or subject/sector is agreed, we will expect awarding organisations to have regard to that approach where relevant and to comply with it where possible or appropriate.

Question 18:

To what extent do you agree or disagree with the proposed changes made to the requirements and proposed statutory guidance on adaptation?

Other provisions

These provisions put into effect the decisions we made after the first stage of consultation:

Decision	Reference in the VCRF
<p>To require awarding organisations to be mindful of the burden their approach to awarding places on centres and learners, work together to develop consistent approaches where appropriate, and to provide clear and timely advice and guidance for qualifications in Category A and B</p>	<p>Condition VCR2 Reviewing and Adapting Category A Qualifications</p> <p>Condition VCR3 Results for Category B Qualifications</p> <p>Condition VCR4 Principles to be applied</p> <p>Condition VCR5 Keeping a record of decision-making</p> <p>Requirements in relation to the Adaptation of VTQs</p> <p>Requirements in relation to the determination of results for Category B Qualifications</p> <p>Guidance on the determination of results for Category B Qualifications</p>
<p>To continue to apply Special Consideration (General Condition G7) and to retain the current statutory guidance in the Extended ERF around Special Consideration where exams or assessments take place for qualifications in Category A or B</p>	<p>Guidance on compliance with General Condition G7 (Arrangements for Special Consideration) in relation to VTQs</p>
<p>To require awarding organisations to include private candidates in their arrangements for awarding for qualifications in Category B as far as possible</p>	<p>Condition VCR3 Results for Category B Qualifications</p> <p>Requirements in relation to the determination of results for Category B Qualifications</p> <p>Guidance on the determination of results for Category B Qualifications</p> <p>Guidance on compliance with Condition A6 in relation to VTQs and Condition VCR3.1(a)(ii)</p>
<p>To permit awarding organisations to take the same approach to awarding for qualifications in Category A and B, which are also taken in international markets, provided that this does not undermine the validity of the qualifications and that any the risks</p>	<p>Condition VCR3 Results for Category B Qualifications</p> <p>Guidance on compliance with Condition A8 in relation to VTQs</p>

<p>around malpractice and the particular needs of the international market are considered and addressed.</p>	
<p>To implement our proposed approach to regulatory oversight of awarding organisations and their record keeping for qualifications in Category A and B, and so to:</p> <ul style="list-style-type: none"> • require awarding organisations to maintain records of their decisions and to make them available to us upon request • retain our ability to issue Technical Advice Notices • develop common approaches to eligibility for a result through the alternative arrangements for awarding for those qualifications in Category B where exams and assessments are viable, for example Function Skills qualifications 	<p>Condition VCR5 Keeping a record of decision-making</p> <p>Condition VCR7 Technical Advice Notices</p> <p>Requirements in relation to the Adaptation of VTQs</p> <p>Requirements in relation to the determination of results for Category B Qualifications</p>

Question 19:

Do you have any comments on the proposed provisions in the VCRF related to these decisions?

Question 20:

Do you have any other comments on any other proposed provisions in the VCRF?

Equalities Impact Assessment

86. As a public body, we are subject to the public sector equality duty. Annex B sets out how this duty interacts with our statutory objectives and other duties.
87. Awarding organisations are required to comply with equalities legislation, and our existing General Conditions of Recognition reinforce this in relation to the qualifications they make available. They are required to monitor their qualifications to identify features which may disadvantage a group of learners who may share a protected characteristic, and this applies to the design, delivery and award of their qualifications.
88. In our previous consultation we set out our assessment of the equalities impacts of our proposals. [We have published our decisions](#) alongside this technical consultation. We set out these impacts below. As we are largely implementing the approach on which we previously consulted, we have not identified any additional equalities impacts arising from the specific conditions, requirement and statutory guidance we are now proposing to put in place to implement the policy approach. We would welcome views on this however, and if there are further equalities impacts that we have not identified, how these might be mitigated.

Differing impacts on particular groups of students and socio-economic factors

89. The impact of the pandemic has affected different students in different ways. Even students for whom their circumstances appear the same, could have been affected to differing extents in terms of having missed teaching and learning, or their preparedness or ability to take assessments. While this will impact all students, some students who shared particular protected characteristics (disabled and BAME students) may experience those disadvantages to a greater extent than other students.
90. Some students could also be affected as a result of socio-economic factors. Some students who share particular protected characteristics (disabled and BAME students), are more likely to be from more disadvantaged backgrounds, for example due to not having the same access to equipment and resources as those from other backgrounds. Students who share particular protected characteristics (disabled and BAME students) may be more likely to be affected by such factors.
91. We have developed our framework to ensure that as far as possible, students are not disadvantaged, including as a result of sharing a protected characteristic. Given the overall impact of the disruption, and the fact that it has been experienced differently by different students, it is unlikely that any alternative arrangements for awarding will fully mitigate these disadvantages. We are seeking to ensure though, as far as is possible, that the alternative arrangements for awarding do not make them worse. We are proposing flexible

requirements that will allow teachers to consider a range of evidence and ensuring that as far as possible, the arrangements between GCSEs, AS and A levels and VTQs are consistent. We are proposing to require awarding organisations to provide effective guidance for centres on how to determine a result. Where assessments can continue, we are proposing a flexible framework that will allow, but not require, assessments to be adapted to allow as many students as possible to receive a result. It remains possible that for qualifications signifying occupational competence, where these are unable to proceed, in their normal or adapted form, some students may be delayed in receiving a result.

Mental health

92. We know from our previous impact assessment that many people are concerned about the impact of the arrangements on students' mental health. These concerns relate both to the arrangements themselves, and the lack of certainty over what the arrangements will be. It is possible that while these impacts will apply to many students, it could be greater on disabled students with conditions such as autistic spectrum disorders.
93. We have set out in our decisions that it is unlikely we can directly address the impact on students' mental health through our regulation. We are however aiming to reduce the impact where we can. We are doing this by allowing awarding organisations to consider a range of evidence and the needs of students for those assessments that are cancelled, and allowing them to take flexible approaches to the adaptation of assessments. Additionally, we are providing as much clarity as we can, as soon as we can. The arrangements we have set out in this consultation provide clarity to those due to take assessments about the approach we intend to implement and we will continue to provide relevant information as soon as we can, to provide as much certainty as possible.

Access to equipment

94. We have previously identified the impact that a lack of access to equipment and resources may have, along with the potential absence of support needed to use these resources. This may impact disabled students to a greater extent, who may rely on additional support as part of their normal way of working.
95. As we have set out in our previous impact assessment, we cannot, through our regulation, ensure that students have access to the necessary equipment. But we do set requirements on awarding organisations to ensure that assessments are fit for purpose and can be delivered. Awarding organisations must also ensure that in making any adaptations to assessments, it minimises bias as far as is possible to ensure that an assessment does not produce unreasonably adverse outcomes for students who share a protected characteristic. We monitor awarding organisations to ensure they meet our requirements.

Nature of assessment

96. It is possible that students taking some types of assessments, in particular practical assessments, or those taking assessments in settings other than centres, such as workplaces could be disadvantaged. The qualifications covered by these proposals are more likely to share protected characteristics (disabled students, BAME students) so could be disproportionately affected.
97. We have previously set out that our arrangements are intended to be flexible, so that awarding organisations can determine the most appropriate approach for their qualifications and assessments. An awarding organisation will be expected to consider when deciding its approach, how assessments are normally taken, and any arrangements that need to be in place to allow them to be taken in alternative ways. There will be some qualifications however, such as some which are intended to signal occupational competence, for which an adaptation is not possible, therefore students may be delayed in receiving a result. Disabled students who cannot take an adapted assessment as a result of their disability, despite adaptations being accessible for other students, may be disadvantaged to a greater extent.

Private Candidates

98. We have previously identified that private candidates who do not normally attend a centre, and are more likely to be SEND students, could be disadvantaged, as they may be less able to receive a teacher assessed result than students who attend centres regularly.
99. The proposals we are consulting on do not prevent private candidates from receiving a result and seek to ensure, by allowing a range of evidence to be considered, that private candidates are able to receive a result in the same way as other students. This should help to limit the extent to which private candidates are disadvantaged.

Teacher assessments

100. We have previously identified concerns that some students could be to be disadvantaged if teacher judgements are used to inform results. Respondents to our previous consultation were concerned that the differential impacts of lost learning would make it difficult to assess students fairly, and that students receiving teacher assessment grades could be disadvantaged compared with those who took exams. There were also concerns about the use of internally assessed work in informing results and the potential for bias in teacher assessments, in particular in relation to students who share protected characteristics (in particular disability and race).
101. The requirements we are consulting on set out the nature of the evidence that must be used, and how this must be used. We will also require awarding organisations to monitor centres, and to keep a record of decisions.

102. In our consultation on the regulatory framework for GCSEs, AS and A levels, we are consulting on proposed information for centres about making objective judgements (for ease of reference we have included this information in Annex C). As drafted this document is most relevant for centres offering GCSEs, AS and A levels. We are, however, interested on views as to whether similar information for VTQ centres, where teachers are asked to provide Teacher Assessed Grades, would also be helpful and whether any additional information should be included.

Question 21:

To what extent do you agree or disagree that it would be helpful to provide VTQ centres with information about making objective judgements?

Question 22:

Do you have any comments on the information that should be included in the proposed information for centres about making objective judgements to meet the needs of VTQ centres and learners?

Race

103. Many of the qualifications covered by these proposals were more likely to be taken by BAME students, meaning any disadvantage could disproportionately affect BAME students. Additionally, BAME students have been disproportionately affected by the coronavirus (COVID-19) pandemic, so may have experienced the other disadvantages identified to a greater extent.
104. We are proposing to retain requirements relating to equalities considerations, that awarding organisations must ensure that, in any approach to adaptations, they minimise bias as far as is possible. This means that they will need to ensure that the assessment does not produce unreasonably adverse outcomes for students who share a protected characteristic. We will also continue to highlight the other obligations that awarding organisations must meet under the General Conditions.

Special educational needs and disabilities

105. We have previously identified concerns that students with special educational needs or disabilities could be disadvantaged. In particular, we have identified concerns in relation to students with disabilities, including those with autistic spectrum disorders, who may suffer from greater anxiety and find it more difficult to access adapted assessments as a result, and deaf students, who may struggle to access some adapted assessments. SEND students may also find it more difficult to access remote assessments. Students who require reasonable adjustments may also be disadvantaged if these adjustments were

not available for adapted assessments, or if they required different reasonable adjustments as a result of any adaptations to assessments.

106. Awarding organisations are required under Ofqual's General Conditions and by wider equalities legislation, to make reasonable adjustments. We are also proposing to continue to require awarding organisations to take account of equalities considerations when deciding how, or whether, to adapt assessments. Our proposals allow awarding organisations to be flexible in their approaches, to take account of these needs.

Our approach

107. As set out in our previous equalities impact assessment, it is likely that all students will have been disadvantaged to some extent by the current disruption, but it is possible that students who share a protected characteristic may be affected to a greater extent. This could be because their protected characteristic means they experience the disadvantage faced by other students to a greater extent, or because they are disproportionately represented within those students taking VTQs.
108. We are seeking to ensure that equalities issues are considered through the design of our framework in a range of ways.
- a. The Extended ERF is designed to be flexible, and not to prescribe a single approach, but to allow awarding organisations to take account of a range of factors when determining whether, and how, to adapt their assessments. These factors include the wider obligations placed on awarding organisations under the Equality Act, and the requirements in the General Conditions for awarding organisations to design assessments which allow for reasonable adjustments to be made, while minimising the need for them.
 - b. Requiring awarding organisations to ensure that any adaptations are sufficiently transparent to meet the reasonable needs of users of the qualification and keep a record of any adaptations they make, and the rationale for their decisions.
 - c. General Condition D2 requires that an awarding organisation ensures that it complies with the requirements of equalities law in relation to each of the qualifications which it makes available. They must monitor their qualifications to identify any feature that could disadvantage students because of a protected characteristic and remove those features where they cannot be justified, or maintain a record of such features which it believes are justified.
 - d. General Condition G6 which requires that awarding organisations ensure their assessments permit reasonable adjustments to be made whilst minimising the need for them.

Question 23:

Are there any potential positive or negative equality impacts arising from the proposed provisions in the VCRF, apart from those we have explored? If yes, what are they and how might they be mitigated?

Regulatory Impact Assessment

109. In our previous consultation we set out our assessment of the regulatory impact of our proposals. [We have published our decisions](#) alongside this technical consultation.
110. We have set out our assessment of the regulatory impact of our proposals below. As we are largely implementing the approach on which we previously consulted, we have not identified any additional impacts arising from the specific conditions, requirements and statutory guidance we are now proposing to put in place to implement the policy approach. Our assessment of the impact following our previous consultation suggested that while there may be some savings, overall there is likely to be an increased burden as a result of implementing these arrangements. We would welcome views on this however, and if there are further regulatory impacts that we have not identified, how these might be mitigated.
111. To help assess the impact, we are also asking some additional questions about the cost of implementing our proposals. These questions are intended to give respondents the opportunity to submit further detail about the regulatory impact of the proposal and are based more around specific cost categories, and any wider impact from our proposal including an impact on fees. We would encourage you to respond to these questions if possible, to help provide a clear picture of the potential impacts.

Direct delivery costs

112. There are likely to be a range of direct delivery costs associated with meeting our proposed requirements. These include familiarisation with any new or amended requirements and development and implementation of approaches to adaptations and the quality assurance of these including staff and training costs, communications with centres and appeals. There will also be costs associated with awarding organisations being required to maintain a record of decisions made to adapt an assessment and the rationale for them.
113. The VCRF builds on the arrangements previously in place. Awarding organisations will however need to consider whether to put in place alternative arrangements for awarding under the VCRF, and for those qualifications for which Teacher Assessed Grades will be issued, will need to develop and implement their approach for this. There will therefore be an additional burden

on these organisations of meeting these requirements. In addition, if, as a result of meeting the requirements of the VCRF, awarding organisations decide to put in place an alternative approach, there is likely also to be a cost to centres of familiarising themselves with, and implementing, any new awarding organisation requirements.

114. There will be costs involved in delivering results under the new arrangements, and of communicating requirements to centres, supporting centre activities and managing continued increased volumes of enquiries from centres and learners.
115. There may also be costs associated with investment in IT and systems technology needed to deliver adapted assessments including specialist hardware or software and training in how to use these.
116. There are likely to be direct costs to centres of delivering adapted assessments, including administrative burdens of familiarisation, delivery and supporting students, and the cost for collating evidence and determining Teacher Assessed Grades where appropriate.

People or staff costs

117. There is likely to be a cost for awarding organisations of developing and implementing alternative arrangements for awarding, including staff workload and training costs.
118. There are also potential impacts in terms of both workload, and financial costs. If teachers are required to mark internal assessments, this may represent additional work, which could have an additional cost to centres. Additionally, there may be costs associated with quality assurance that would need to take place in centres, to ensure that any centre marking and Teacher Assessed Grades were standardised within the centre between different teachers. This again may have both a financial cost and a time cost.
119. There are also likely to be increased costs in these areas as a result of new procedures being implemented, and in particular teachers and centres performing additional roles to those which would normally be required. Some of this cost may be offset by not having to carry out other activities, but not all.

Opportunity costs

120. We have identified the potential for some opportunity costs of having to comply with any new or amended requirements, in particular the impact on business as usual activities.

Provision of equipment and administration costs

121. There is likely to be a cost relating to the provision of equipment and resources required for the delivery of adapted or remote assessments. These included

costs for awarding organisations of developing and delivering adapted assessments, including developing new approaches, implementing new invigilation approaches, communicating changes with centres, and monitoring and quality assuring the delivery of remote or adapted assessments. Centres, teachers and learners are likely also to experience similar costs as part of teaching and learning, to ensure students are sufficiently prepared to take assessments. There are also likely to be administrative costs associated with the proposed approach, such as photocopying and printing of any additional assessment materials.

122. We would expect that awarding organisations ensure their approaches are manageable to deliver. The burden imposed by any particular adaptation on an awarding organisation, its centres and learners will be something which the awarding organisation considers as part of deciding whether that adaptation is appropriate to implement.

Consistency of approach for qualification delivery

123. Teachers and centres may experience additional costs and burden if they are required to follow different arrangements from different awarding organisations. Many centres deliver qualifications from multiple awarding organisations, therefore the greater the consistency between the arrangements, the lower the potential burden on centres.
124. The VCRF aims to balance the need for flexibility to recognise the wide range of VTQs and the settings in which they are taken, with the need, as far as possible, to minimise the burden on centres, and ensure consistent and fair approaches. We are proposing to continue to provide statutory guidance on factors to be considered by awarding organisations when determining their approach.

Cost savings and transfer of costs within the system

125. It is possible that in some places, costs from one activity would transfer to an alternative activity. In particular, awarding organisations may save money on marking assessments, but centres would incur additional costs of marking internal assessments. Similarly, centres would save money on exam invigilation costs, but they would need to put in place additional arrangements for the standardisation and quality assurance of internal marking.
126. It is possible that there will be some savings as a result of our proposed framework. Some of the activities carried out under the VCRF will be in place of activities that are no longer happening, and the alternative approach may be cheaper to implement (e.g., remote assessments replace paper-based exams).

Potential impact on qualification fees

127. It is possible that alternative approaches may impact on the fees paid by centres to awarding organisations, if for example any savings in delivering assessments in alternative ways were passed on to centres. At this stage, we

do not know whether this will be the case. Awarding organisations are required to publish information about their fees for purchasers or potential purchasers. It is possible that the changes required by this consultation may impact on fees that have already been paid, or may be paid in the future, for example passing on any savings in delivering assessments. While such changes may not be clear at this stage, we are seeking further information about the potential impact on fees in this impact assessment.

Innovation and growth

128. The Deregulation Act 2015 imposes a duty on any person exercising a regulatory function to have regard for the desirability of promoting economic growth (the Growth Duty). We must exercise our regulatory activity in a way that ensures that any action taken is proportionate and only taken when needed. Growth Duty sits alongside our duty to avoid imposing unnecessary burden, as required under the ASCL Act 2009, as well as our statutory duties relating to equalities and the Business Impact Target.
129. We consider our proposals for adaptation are proportionate and necessary to manage the longer-term impacts of the pandemic. However, it may also be that adaptations to assessments encourage innovation and investments which yield for awarding organisations in the longer term.

Estimated costs and savings

130. We encourage respondents to share with us as much information as possible about the likely costs and administrative burdens, as well as any savings or benefits, of the proposals set out in this consultation, so that we may consider this information when reaching our decisions. We encourage anyone who responds to this consultation to tell us if they think there is something we could do differently that would still achieve the same aim but would reduce costs and administrative burden.

Question 24:

What new activities do you expect to carry out as a result of these proposals and what additional costs will you incur across the range of qualifications you offer? Please give monetised values for these additional costs where possible, covering, for example, direct delivery; people and staff; equipment and administration.

Question 25:

What savings do you expect to make as a result of your proposed approach? Please give monetised values where possible for any savings you may realise, compared with a normal qualification year and also compared with qualification delivery in 2020.

Question 26:

Are there any other regulatory impacts, costs or benefits associated with the implementation of our proposals that have not already been identified? If yes, what are they?

Question 27:

Do you anticipate any overall impact on qualification fees as a result of these proposals? If so, what do you expect these might be?

Question 28:

Are there any additional or alternative approaches we could take to minimise the regulatory impact of our proposals?

Annex A - Your data

The identity of the data controller and contact details of our Data Protection Officer

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). The relevant data protection regime that applies to our processing is the UK GDPR³ and Data Protection Act 2018 ('Data Protection Laws'). We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

How to contact us

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at dp.requests@ofqual.gov.uk

Our legal basis for processing your personal data

Where you provide personal data for this consultation, we are relying upon the public task basis as set out in Article 6 (1) (e) of UK GDPR to process personal data which allows processing of personal data when this is necessary for the performance of our public tasks. We will consult where there is a statutory duty to consult or where there is a legitimate expectation that a process of consultation will take place.

Where you provide special category data, we process sensitive personal data such as ethnicity and disability, we rely on Article 9(2) (g) of UK GDPR as processing is necessary for reasons of substantial public interest.

Why we are collecting your personal data

As part of this consultation process you are not required to provide your name or any personal information that will identify you. However, we are aware that some

³ Please note that as of 1st January 2021, data protection laws in the UK have changed. The General Data Protection Regulation (EU) 2016/679(GDPR) no longer applies to the UK. However, the UK has incorporated GDPR into domestic law subject to minor technical changes. The Data Protection, Privacy and Electronic Communications (Amendment etc.) EU exit Regulations (DPPEC) came into force in the UK on 1st January 2021. This consolidates and amends the GDPR and UK Data Protection Act 2018 to create the new UK GDPR.

respondents would like to provide contact information. If you or your organisation are happy to provide personal data, with regard to this consultation, please complete the details below. We would like to hear as many views as possible and ensure that we are reaching as many people as possible. In order for us to monitor this, understand views of different groups and take steps to reach specific groups, we are asking for sensitive data such as ethnicity and disability to understand the reach of this consultation and views of specific groups. You do not have to provide this information and it is entirely optional.

If there is any part of your response that you wish to remain confidential, please indicate below. Where you have requested that your response or any part remains confidential, we will not include your details in any published list of respondents, however, we may quote from the response anonymously in order to illustrate the kind of feedback we have received.

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients or including member of the public in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response and assess this in accordance with applicable data protection rules.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you choose 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

How we will use your response

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details we may contact you in relation to your response. We will analyse all responses and produce reports of consultation responses. In the course of analysis, we will where possible avoid using your name and contact details. We will only process the body of your response but we are aware that in some cases, this may contain information that could identify you.

Sharing your response

We may share your response, in full, with The Department for Education (DfE) and The Institute for Apprenticeships & Technical Education (IFATE) where the consultation is part of work involving those organisations. We may need to share responses with them to ensure that our approach aligns with the wider process. Where possible, if we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFATE with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Where we share data, we ensure that adequate safeguards are in place to ensure that your rights and freedoms are not affected.

We use SmartSurvey to collect consultation responses and they act as our data processor. You can view SmartSurvey's privacy notice at <https://www.smartsurvey.co.uk/privacy-policy>

Your response will also be shared internally within Ofqual in order to analyse the responses and shape our policies and regulatory activity. We use third party software to produce analysis reports, which may require hosting of data outside the UK, specifically the US. Please note that limited personal information is shared. All personal contact information is removed during this process. Where we transfer any personal data outside the UK, we make sure that appropriate safeguards are in place to ensure that the personal data is protected and kept secure.

Following the end of the consultation, we will publish an analysis of responses on our website, www.gov.uk/ofqual. We will not include personal details in the responses that we publish.

We may also publish an annex to the analysis listing all organisations that responded, but will not include personal names or other contact details.

How long will we keep your personal data?

For this consultation, Ofqual will keep your personal data (if provided) for a period of 2 years after the close of the consultation.

Your data

Your personal data:

- will not be sent outside of the UK unless there are appropriate safeguards in place to protect your personal data
- will not be used for any automated decision making

- will be kept secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

Your rights, e.g. access, rectification, erasure

As a data subject, you have the legal right to:

- access personal data relating to you
- object to the processing of your personal data
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details set out above. You can also find further details about Ofqual's privacy information [here](#).

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at ico.org.uk, or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Annex B - Ofqual's objectives and duties

The Apprenticeship, Skills, Children and Learning Act 2009

We have five statutory objectives, which are set out in the Apprenticeship, Skills, Children and Learning Act 2009⁴.

1. **The qualification standards objective**, which is to secure that the qualifications we regulate:
 - a. give a reliable indication of knowledge, skills and understanding; and
 - b. indicate:
 - c. a consistent level of attainment (including over time) between comparable regulated qualifications; and
 - d. a consistent level of attainment (but not over time) between qualifications we regulate and comparable qualifications (including those awarded outside of the UK) that we do not regulate.

2. **The assessment standards objective**, which is to promote the development and implementation of regulated assessment arrangements which
 - a. give a reliable indication of achievement, and
 - b. indicate a consistent level of attainment (including over time) between comparable assessments.

3. **The public confidence objective**, which is to promote public confidence in regulated qualifications and regulated assessment arrangements.

4. **The awareness objective**, which is to promote awareness and understanding of

⁴ <http://www.legislation.gov.uk/ukpga/2009/22/section/128>

- a. the range of regulated qualifications available,
 - b. the benefits of regulated qualifications to learners, employers and institutions within the higher education sector, and
 - c. the benefits of recognition to bodies awarding or authenticating qualifications.
5. **The efficiency objective**, which is to secure that regulated qualifications are provided efficiently, and that any relevant sums payable to a body awarding or authenticating a qualification represent value for money.

We must therefore regulate so that qualifications properly differentiate between learners who have demonstrated that they have the knowledge, skills and understanding required to attain the qualification and those who have not.

We also have a duty under the Apprenticeship, Skills, Children and Learning Act 2009 to have regard to the reasonable requirements of relevant learners, including those with special educational needs and disabilities, of employers and of the higher education sector, and to aspects of government policy when so directed by the Secretary of State.

The Equality Act 2010

As a public body, we are subject to the public sector equality duty⁵. This duty requires us to have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The awarding organisations that design, deliver and award performance table qualifications are required by the Equality Act, among other things, to make reasonable adjustments for disabled people taking their qualifications.

⁵ <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

We are subject to a number of duties and we must aim to achieve a number of objectives.

These different duties and objectives can, sometimes conflict with each other. For example, if we regulate to secure that a qualification gives a reliable indication of a learner's knowledge, skills and understanding, a learner who has not been able to demonstrate the required knowledge, skills and/or understanding will not be awarded the qualification.

A person may find it more difficult, or impossible, to demonstrate the required knowledge, skills and/or understanding because they have a protected characteristic. This could put them at a disadvantage relative to others who have been awarded the qualification.

It is not always possible for us to regulate so that qualifications give a reliable indication of knowledge, skills and understanding and advance equality between people who share a protected characteristic and those who do not. We must review all the available evidence and actively consider all the available options before coming to a final, justifiable decision.

Qualifications cannot mitigate inequalities or unfairness in the education system or in society more widely that might affect, for example, learners' preparedness to take the qualification and the assessments within it. While a wide range of factors can have an impact on a learner's ability to achieve a particular assessment, our influence is limited to the qualification design and assessment.

We require awarding bodies to design qualifications that give a reliable indication of the knowledge, skills and understanding of the learners that take them. We also require awarding organisations to avoid, where possible, features of a qualification that could, without justification, make a qualification more difficult for a learner to achieve because they have a particular protected characteristic. We require awarding organisations to monitor whether any features of their qualifications have this effect.

In setting the overall framework within which awarding organisations will design, assess and award performance table qualifications, we want to understand the possible impacts of the proposals on learners who share a protected characteristic.

The protected characteristics under the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships

- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

With respect to the public sector equality duty under section 149 of the Equality Act, we are not required to have due regard to impacts on those who are married or in a civil partnership.

Annex C - Information for centres about making objective judgements

Making objective judgements

In these unprecedented circumstances, schools and colleges are best placed to judge the performance of their students. Centres know their students well, and will have regularly assessed their performance throughout the course of study.

However, we recognise there are concerns about the potential for some students to be disadvantaged by this approach.

We are providing the following additional information on objectivity in grading to help schools and colleges play their role in ensuring this year's grading is as fair as possible. This is based on existing research and analysis about how centre-based assessments can be carried out as objectively as possible.

Objectivity in grading decisions

Each teacher assessed grade should be a professional judgement, balancing different sources of evidence and data. It is important that the centre's grading judgements are objective; they should take account of existing records and evidence, as well as new evidence generated in the coming months, to demonstrate a student's knowledge, skills and abilities in relation to the subject content that they have been taught.

This evidence should inform teachers' professional judgements about each student's performance. Other factors should not affect this judgement, including characteristics protected under equalities legislation such as a student's sex, race, religion/belief, disability status, gender reassignment or sexual orientation.

Similarly, judgements should not be affected by a student's behaviour (both good and poor), character, appearance or social background, or the performance of their siblings.

Unconscious effects on objectivity

To avoid unconscious bias, centres are urged to reflect on and question whether they may have any preconceptions about each student's performance and whether their perception of the evidence might be affected by any irrelevant factors.

Centres should be aware of:

- confirmation bias, for example noticing only evidence about a student that fits with pre-existing views about them
- masking or halo effects, for example where a particular view about an aspect of a student hides, or overly accentuates, their actual knowledge, skills and abilities
- recency effects, for example giving undue weight to the most recent interaction with a student or the most recent piece of work done by a student
- primacy effects, for example giving undue weight to 'first impressions' of a student
- selective perceptions, for example giving undue weight to a student's performance on a particular part of the content of the specification rather than considering performance across all the material that they have been taught
- contrast effects, for example over-estimating a student's likely performance having first considered a large number of students who are all at a much lower standard
- outlier effects, for example, under-estimating a student's performance if it is significantly out of line with (above or below) other students in that centre, for example some students may have performed less well during periods of remote learning

Using previous data to check on the objectivity of judgements being made

The effects described above may not be consistent between either centres or individuals. To understand more about possible effects in a particular centre, a centre could look back at previous years' data, for example, over the past 2 to 5 years, where this is available.

A centre could use such data to identify whether there may be any indications of systematic under- or over-prediction for different groups of students, for example, those with particular protected characteristics. For example, a centre may find that it has routinely under-estimated predicted A level maths grades to UCAS compared to grades actually achieved for students with particular characteristics; or routinely over-estimated target English GCSE grades compared to grades actually achieved for students with particular characteristics.

The centre could use any such findings as it checks whether its proposed teacher assessed grades for this summer might have been influenced by preconceptions or irrelevant factors.

Considering data in this way is unlikely to identify all possible effects and may prove inconclusive. Contextual information is likely to be important in considering what weight to give any such data. For example, significant personnel changes may mean that effects in previous years may not be assumed to carry forward, or may reduce the benefits of aggregating data between different years.

In doing any such an analysis, centres should be aware of and take into account contextual factors. Awareness of the limitations of data and the context in which it was generated may help consider which data is relevant, which is not, and what conclusions may and may not be supported.

Data from previous years can provide a useful reference point by looking at overall grading patterns by student group to help centres make objective judgements. However, it is important that each student's grade is determined by the specific performance of that student in relation to the relevant qualification. On that basis, data from previous years should not be used in isolation as a basis upon which to determine individual grades.

Reviewing judgements

Having considered possible unconscious effects on objectivity and any information from previous available data, centres should use this information to reflect carefully on their grading judgements. Dialogue between Heads of Departments, teachers and Heads of Centres can support such reflection and review.

Where any possible unconscious effects, or previous systemic under- or over-prediction for particular groups, have been identified, careful consideration would be needed to ensure, for example, that this was not over-compensated for.

Nonetheless, analysing information, reflection and dialogue as outlined above could help a centre to assure itself that it has effectively fulfilled its duties to promote equality and avoid discrimination as set out under the Equality Act 2010, and to assure itself that it has maximised objectivity and fairness in the judgements that it has made.



© Crown Copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

To view this licence, visit

www.nationalarchives.gov.uk/doc/open-government-licence/

or write to

Information Policy Team, The National Archives, Kew, London TW9 4DU

Published by:

ofqual

Earlsdon Park
53-55 Butts Road
Coventry
CV1 3BH

0300 303 3344

public.enquiries@ofqual.gov.uk

www.gov.uk/ofqual