

GUIDANCE

DRAFT Vocational and Technical Qualifications Contingency regulatory framework, COVID-19 Guidance

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Guidance in relation to the Adaptation of VTQs

Condition VCR2.2 allows us to specify requirements and guidance in relation to the Adaptation of VTQs.

We set out our guidance in relation to Adaptation below. This guidance applies to Category A Qualifications under Condition VCR2.2(b) and to Category B Qualifications under Condition VCR3.4(b).

Context

The coronavirus (COVID-19) pandemic has resulted in a loss of education and training since March 2020. Many Learners have experienced disruption to, or a lack of, teaching, learning and assessment since that date. Public health restrictions are ongoing. Teaching, learning and assessments may, therefore, continue to be affected for the rest of 2021 and even beyond.

Given the ongoing disruption being caused by the pandemic, it is the government's policy that it is not viable for all VTQ assessments to continue for all Learners in the academic year 2020/2021. However, given the broad range of qualifications in the VTQ landscape, the government acknowledges that they cannot all be subject to the same awarding arrangements.

For all Category A Qualifications, where assessments and qualifications cannot progress as they normally would, awarding organisations must consider Adapting their assessments. Awarding organisations that have used Adaptations to mitigate disruption under the ExtVTQ Framework may also choose to continue to apply some or all of those Adaptations.

For Category B Qualifications, our expectation is that those which are similar to qualifications falling under the General Alternative Awarding Framework (GAA Framework), will take a similar approach to the awarding of those qualifications where possible and appropriate.

However, for other Category B Qualifications, where it is viable for assessments to take place, an awarding organisation may decide to make Adaptations to its assessments and qualifications in order to maximise the number of Learners that receive results.

An awarding organisation is not required to make an Adaptation to a Category A Qualification or Category B Qualification where it is not necessary or appropriate to

do so. Awarding organisations must have regard to this guidance when determining which approach to take to Adapting their assessments and qualifications.

Principles

Where an awarding organisation decides to make Adaptations to its assessments and qualifications for VTQs, Condition VCR4 allows us to specify principles with which an awarding organisation must comply. Those principles are set out in the requirements set under Condition VCR4.1.

The principles which apply to Category A Qualifications do not form a hierarchy wherein compliance with one should be achieved in preference to compliance with another. An awarding organisation should take all reasonable steps to comply with each of the principles to the fullest extent possible.

Process

For Category A Qualifications, when determining whether there is a need to mitigate any continuing disruption to teaching, learning and assessment, and, if necessary, how to do so, an awarding organisation should consider what is required in the context of its specific qualification(s). When doing so, an awarding organisation may find it useful to do the following:

- Reflect on the qualification's objective, the content, structure and the assessment design and methodology. In particular, it might consider why it has made particular design choices and why qualifications are assessed in the way that they are in normal circumstances, and how these might be affected by any Adaptations.
- Identify the specific issues affecting the delivery of its qualifications and assessments that need to be mitigated.
- Identify other potential issues that may affect its qualifications and assessments and will need to be mitigated.
- Identify the options available to mitigate any issues.
- Identify any risks to Validity and Reliability arising from the Adaptation approach and how they could be mitigated.

We will expect an awarding organisation to consider all relevant risks under Condition A6 (Identification and management of risks), and the possibility of malpractice under Condition A8 (Malpractice and maladministration), when deciding

whether and how to Adapt both its Category A Qualifications and Category B Qualifications.

Examples of issues that may need to be mitigated

Examples of issues that might affect Category A Qualifications and Category B Qualifications and their assessments that an awarding organisation may need to mitigate include, but are not limited to the following:

- Restricted access to Centres meaning that Learners are not able to attend as frequently as they ordinarily would.
- Work-based teaching or assessment that is impacted by public health guidance/restrictions, such as social distancing measures.
- The teaching or assessment of practical skills that is impacted by public health guidance or restrictions, such as social distancing measures.
- Access to specialist equipment is restricted or particular facilities are restricted or closed.
- Teaching or assessment that involves working in groups or teams, is client-facing, or involves a public performance whilst social distancing measures are in place.
- Loss of teaching and learning for Learners moving into the second year of their qualification.
- Time required for Learners to settle back into their learning.

Adaptation approaches

Examples of ways in which an awarding organisation may Adapt a VTQ under the VCR Framework are set out in the Requirements in relation to the Adaptation of VTQs. Those examples are non-exhaustive and we recognise that an awarding organisation's approach may change and develop over time in order to reflect the progression of the pandemic, amendments to public health guidance and any further information that becomes available to it, which may influence its Adaptation approach.

We are not prohibiting any form of Adaptation. However, an awarding organisation should consider the necessity of any Adaptation approach, how practicable it is to implement that approach, and any risks that the approach might create.

We do not expect that the content of a qualification should be reduced. Changes to the content should be considered in exceptional circumstances where it is the only way of minimising disadvantage to Learners. The views of sector and professional bodies and other stakeholders must also be sought before any changes to content are made. However, it may be appropriate, whilst maintaining taught content, to reduce the amount of content that is assessed, or to change the way the content is assessed, without undermining the Validity and Reliability of the qualification.

Awarding organisations should consider whether an Adaptation method that is appropriate for one qualification which it makes available, is appropriate for another. It may also be that an Adaptation method is appropriate for one assessment mode (e.g. examined, non-examined, portfolio, practical skills) but not for another.

Awarding organisations should also determine whether their Adaptation approach will apply to all Learners, irrespective of whether a Learner is completing a qualification or is new to a qualification. If a Learner is unable to take an Adapted assessment, then Special Consideration may apply.

Any Adaptations to assessment requirements or delivery should also be carefully considered so that they do not undermine the Validity and Reliability of the qualification. For example, where an awarding organisation seeks to maximise the Manageability of assessments to allow for an increase in teaching time, any streamlining of assessments should be carefully balanced with the need to ensure that qualifications remain sufficiently Valid and Reliable in relation to the content assessed, and how this is achieved.

Additional factors

Awarding organisations should consider relevant requirements other than those contained in Ofqual's regulatory framework. These include the Technical Guidance document if published by the Department for Education for VTQs used in performance tables, the requirements of other regulators, professional bodies, or industry requirements.

Where an awarding organisation needs to find localised solutions to further disruption, it should seek to strike a balance between the need to be responsive and any risks to comparability across the cohort, in particular where alternative approaches are required between Centres delivering the same qualification or assessment. For example, an awarding organisation may want to think through various scenarios and outcomes before deciding on the best approach, rather than implementing all of their Adaptation methods in the first instance.

Existing flexibility in how, and how often, assessments are delivered in a particular qualification should be maximised to reduce the impact of disruption, illness or lockdown. For example, where appropriate, an awarding organisation should encourage Centres and Learners to explore the opportunities presented by the inherent flexibility of the modular delivery of many VTQs so that Learners can bank assessment evidence as they progress through a qualification, in order to safeguard against future disruption.

Where VTQs are offered which have similar content to general qualifications not covered by the VCR Framework, and are used in similar ways, an awarding organisation should also have regard to the approach that is being taken for such general qualifications where Adaptations may also have been made.

Delaying assessments

Delaying assessments should be kept to the absolute minimum so that the majority of Learners can obtain a result for their qualifications at the point they would have anticipated receiving one. However, it may be that practical assessments that are required to demonstrate occupational competence for employment cannot be delivered safely in line with public health guidance, in which case they should be delayed.

Consistency of approach

Common approaches to Adaptation should, as far as possible, be followed where qualifications signal similar knowledge, understanding and skills, or practical competence, and have the same assessment approaches and delivery context.

Awarding organisations should, where possible, work with other awarding organisations and within their sector, industry or qualification type (e.g. functional skills qualifications) with regard to where a common approach to awarding qualifications under the VCR Framework can be achieved. If a common approach on how to mitigate any disruption to assessments and qualifications within a particular sector, industry or qualification-type is agreed, an awarding organisation should have regard to that approach where relevant, and seek to comply with it where possible and appropriate.

Working with Centres and others

An awarding organisation should work with its Centres when determining any Adaptation methods. Centres are also reacting to the needs of Learners as the response to the pandemic evolves. The approaches that an awarding organisation

takes to the Adaptation of its qualifications under the VCR Framework should not impinge on the work that Centres are also undertaking to mitigate disruption, such as blended learning or 'catch-up' sessions.

An awarding organisation should also work with its Centres, alongside relevant stakeholders (including sector and professional bodies), to ensure that the Adaptation approaches it is proposing are clear and acceptable for each qualification they make available.

However, an awarding organisation must ensure that it is clear to its Centres about the Adaptations they are permitted to make to qualifications and assessments, and it must provide sufficient guidance to its Centres in relation to those Adaptations, in accordance with Condition VCR6.1(a)(i). Centres can only operate within the parameters set by the awarding organisation. Awarding organisations are reminded of their obligations in relation to their arrangements with Centres, as set out in Condition C2 (Arrangements with Centres). An awarding organisation must retain sufficient oversight to ensure that it knows what Adaptations its Centres are implementing.

Awarding organisations should be mindful to streamline and coordinate their communications to Centres so that they are not over-burdensome. Communications should be clear and timely.

Building resilience

When developing its approach to Adapted qualifications and assessments under the VCR Framework, an awarding organisation should ensure that it is in the strongest possible position to manage continuing disruption caused by the pandemic.

The better-informed an awarding organisation is about the way in which its qualifications are being delivered, the more capable it will be of taking a targeted approach and giving an effective response to any further action that is needed to, as far as possible, mitigate the impact of the pandemic.

Awarding organisations may therefore find it helpful to reflect on whether they may need to take additional steps to:

- understand which qualifications are being offered by their Centres, which Learners are taking their qualifications and when they expect to take assessments
- understand the delivery approaches used by their Centres, what is being taught when, and how it is being taught.

Guidance on remote Invigilation

Condition VCR2.2 allows us to specify requirements and guidance in relation to the Adaptation of VTQs.

We set out below our guidance in relation to the use of remote Invigilation in Adapted VTQs. This guidance applies in addition to our general guidance issued under Condition VCR2.2. It applies to Category A Qualifications under Condition VCR2.2(b) and to Category B Qualifications under Condition VCR3.4(b).

In our requirements under Condition VCR2.2, we state that one of the potential Adaptations that an awarding organisation may make to its assessments is 'changing Invigilation requirements, for example by allowing the use of online Invigilation so that assessments can take place in a wider range of settings'.

Where online or remote Invigilation is used, under Conditions G8.1 and G9.2(c), an awarding organisation must still ensure that the relevant evidence has been generated by the Learner, and that the assessment has been completed under the specified conditions.

In light of those requirements, whether or not the use of remote Invigilation is appropriate as an Adaptation will be heavily dependent on context.

We will expect an awarding organisation to consider all relevant risks under Condition A6, and the possibility of malpractice under Condition A8, when deciding whether to use remote Invigilation as an Adaptation. The factors to which an awarding organisation should have regard, as part of that consideration, include the following –

- whether remote Invigilation will affect the constructs to be assessed and the
- validity of the assessment

- the Learners' user experience and the parameters of delivery, for example, how the Invigilator would supervise any breaks during an assessment
- the level of security that is required in delivery in proportion to the stake of the qualification and its purpose
- the robustness of the awarding organisation's processes and controls to ensure that the Learner's identity can be confirmed and the evidence generated by the Learner can be Authenticated
- the capacity of the awarding organisation and Centres to operate the relevant systems and processes as intended, including, for example, whether Invigilators are adequately trained, and the scalability of the relevant systems and processes
- the clarity around the roles and responsibilities of the awarding organisation, the Centre, and the Learner
- the security and reliability of the software and hardware needed to operate the relevant systems and processes
- the awarding organisation's contingency plan in the event of a delivery failure, including a failure in the relevant software or hardware
- the awarding organisation's approach to equality issues, including Reasonable Adjustments and Special Consideration, and its approach to any Learners who do not have access to the required equipment, or whose equipment is not compatible with the relevant system requirements
- issues around safeguarding, health and safety, and data protection
- any trialling or piloting of the approach before rolling it out in full

An awarding organisation must keep a record of its decisions and the justification for the approach it chooses to adopt for online Invigilation as part of its record keeping under Condition VCR5.

Guidance on the determination of results for Category B Qualifications

Condition VCR3.4(b) allows us to specify requirements and guidance in relation to the determination of results to be issued for Category B Qualifications under the VCR Framework.

We set out that guidance below.

Under Condition VCR4.1, in relation to the determination of results, an awarding organisation must comply with the principles specified by Ofqual. Principle B1 requires an awarding organisation to issue results which meet a baseline of validity and reliability. Principle B2 requires an awarding organisation to seek to maximise the reliability of the results that it issues.

Categorisation of qualifications

In our requirements under VCR3.3(a) we require awarding organisations to take the following into consideration when determining their approach to awarding:

- the characteristics of the qualification, including purpose, use, size, and delivery approach,
- the rationale for awarding when not all assessments are completed, such as disruption to teaching and learning, and compliance with public health and safety guidance, and

- in light of the above, to then decide the extent to which it is necessary/appropriate to align the approach to awarding used for qualifications under the GAA framework ('GQs')

Qualifications most similar to GCSE, AS and A level

For those qualifications which are used to support progression to further or higher study, follow an academic year cycle (over 1 or 2 years), are taught alongside or instead of GCSEs, AS and A levels, and are primarily taught in schools, we expect awarding organisations to use a similar approach to awarding as that used for GQs, where possible and appropriate. The policy position in the Secretary of State's direction is that it is not viable for examinations in these qualifications to go ahead because Learners taking these qualifications have suffered disruption to teaching and learning on the same basis as GCSE, AS and A level Learners and in line with Principle B4, awarding organisations must seek to ensure that these Learners are not disadvantaged or advantaged compared to their peers taking GCSEs, AS and A levels. We are not prohibiting examinations from taking place where an awarding organisation can continue to deliver and/or mark the assessments as normal or in Adapted form. However, it is our expectation that this cannot be achieved for these qualifications.

We recognise that qualifications sharing these characteristics may have different assessment approaches and structures but expect that where possible, awards are based on qualification level Centre judgements in line with the arrangements put in place for GQs. But where qualifications sharing these characteristics follow a unitised structure and a qualification level Centre judgement would not lead to a sufficiently reliable award, we accept that unit or Component level Centre judgments may be appropriate.

There are also some qualifications which share these characteristics but which include some assessment of occupational skills, where the use of Centre judgement would not lead to a safe and valid award. Where this is the case, we recognise that it may not be possible to use exactly the same approach to awarding as that put in place for GQs but we expect awarding organisations to put in place arrangements for awarding which are Manageable for Centres.

Sources of information in determining a result

Our requirements on the determination of results state that for each Category B Qualification that it makes available, and for each Learner taking it, an awarding organisation must identify the sources of information that are both currently available and potentially available in respect of the qualification as a whole and/or for each

assessment. The approach used to determine a result may use sources of information singly or in combination.

Some sources of information that may be used for the determination of individual results and some factors relevant to judging their role are described in Table 1 below.

Table 1: Sources of information

	Information	Evidence	Considerations
1.	Information provided by Centres in relation to Learner's performance at qualification level ('Qualification Level Teacher Assessed Grade')	<p>An awarding organisation may ask a Centre to provide a judgement about the result for each Learner at qualification level.</p> <p>An awarding organisation may also ask a Centre for evidence to be taken into account or for the same evidence in order to support the determination of results such as:</p> <ul style="list-style-type: none"> - How any banked Component marks and grades¹ have been used - Internal assessment marks and grades not yet subject to Centre Assessment Standards Scrutiny - Partially completed internal assessments - Classwork or homework assessments - Mock examinations - Informal assessments 	<p>Consideration of the following features of the qualification will help awarding organisations determine whether this source of information should form the basis of the qualification result. These features include:</p> <ul style="list-style-type: none"> - The extent to which it is used instead of/alongside GQs - Similarity of purpose to GQs - Linearity or modularity - If modular, the extent of banked Component marks and grades are available - Size of the qualification
2.	Information provided by Centres in relation to	An awarding organisation may ask a Centre to provide a judgement about the result for each Learner at Component level.	Component level Teacher Assessed Grades are likely to may be a source of

¹ In this guidance, we use 'grades' to refer to specified levels of attainment such as A, B, C, for example, or Pass, Merit and Distinction.

	Information	Evidence	Considerations
	Learner's performance at Component level ('Component Level Teacher Assessed Grade')	An awarding organisation may also ask a Centre for evidence to be taken into account or for the same evidence in order to support the determination of results such as: <ul style="list-style-type: none"> - Internal assessment marks and grades not yet subject to Centre Assessment Standards Scrutiny - Partially completed internal assessments - Classwork or homework assessments - Mock examinations - Informal assessments 	information for modular qualifications where: <ul style="list-style-type: none"> - Learners due to take individual assessments but are not certifying a large proportion of the Components are already banked - Qualification Level Teacher Assessed Grades are inappropriate because part of the assessment attests to occupational competency and must continue
3.	Information held by the awarding organisation - banked Component marks and grades	Marks and/or grades for completed assessments in Components to date. This includes – <ul style="list-style-type: none"> • external assessments,² and • internal assessments³ where the marks or grades have been subject to Centre Assessment Standards Scrutiny • for eligible candidates, calculated results under the VTQCov Framework 	Where this information exists, it is likely to form part of the basis of the qualification result, either as a contributory element alongside other sources of information, or as a basis on which to determine results, including as part of Centre judgement, either for missing

² In this guidance, an 'external assessment' refers to an assessment set and marked by the awarding organisation. This includes assessments by examination, written tests, performances or written materials where the task is set and marked by the awarding organisation. An assessment by examination is an assessment which is (i) set by an awarding organisation, (ii) designed to be taken simultaneously by all relevant Learners at a time determined by the awarding organisation, and (iii) taken under conditions specified by the awarding organisation (including conditions relating to the supervision of Learners during assessment and the duration of the assessment).

³ In this guidance, an 'internal assessment' is an assessment which is marked by a Centre and then subject to Moderation or verification by the awarding organisation.

	Information	Evidence	Considerations
			Components or to support a Centre judgement to supply Qualification Level Teacher Assessed Grade.

Where an awarding organisation is taking a unitised approach to awarding, in instances where there is sufficient evidence to determine a result for a Learner overall, but where there is a unit with no evidence, the awarding organisation should consider the other evidence available to it to form a judgement in relation to that unit.

The evidence considered should also include evidence from specialist Teachers and other educational professionals such as special education needs coordinators (SENCOs) who have worked with the Learner where appropriate.

An awarding organisation should seek to ensure that a Centre's judgement in relation to each Learner is made as late in the course as possible, with the Teacher Assessed Grade being provided to the awarding organisation by the Centre by a clearly communicated date.

Consistency of approach

An awarding organisation should make clear to Centres the basis upon which Learners can be awarded a result using Teacher Assessed Grades and seek to develop consistent approaches with awarding organisations offering similar qualifications. This is in line with Principle B4 that an awarding organisation must seek to ensure that it does not advantage or disadvantage Learners against their peers taking similar VTQs. If a common approach on how to determine a result using Teacher Assessed Grades within a particular qualification-type, subject/sector is agreed, an awarding organisation should have regard to that approach where relevant, and seek to comply with it where possible and appropriate.

Data Protection Law

When determining which approaches to use to determine a result for each of the qualifications that it makes available, an awarding organisation should be mindful of its obligations under Data Protection Law. Data Protection Law will continue to apply in relation to VTQs for which results are issued under the VCR Framework.

Internal assessment

We expect an awarding organisation to encourage ongoing participation in learning but we recognise that the disruption experienced by Learners as a result of the pandemic means that internal assessment cannot continue as normal. We expect an awarding organisation to instruct or advise its Centres to continue with internal assessment where it is helpful to form an evidence base for a Teacher Assessed Grade or is needed to be used by the awarding organisation as a basis to determine a result.

Where internal assessment continues, awarding organisations should ensure that their instructions to Centres do not disrupt good practice in teaching and learning and the provision of feedback to Learners about their progress and performance.

Learners who took or expected to take assessments in January 2021

Where Learners took or expected to take assessments in January 2021, we have required an awarding organisation to enable:

- non-certificating Learners who were absent from January assessments to be eligible to be awarded a result through the use of alternative evidence, and
- non-certificating Learners who did take the assessments, but who found having to take those assessments in the context of the disruption in January adversely impacted their ability to demonstrate their level of attainment, to also be eligible to be awarded a result through the use of alternative evidence

An awarding organisation may choose to put the same arrangements in place for certificating Learners who took assessments in January 2021 but who are not eligible for a result to be awarded through the application of Special Consideration.

An awarding organisation may choose to put the same arrangements in place for any Learner for whom assessments have been banked if this still leads to sufficiently Valid and Reliable awards.

Non-certificating learners

Condition VCR3.1 provides that an awarding organisation must take all reasonable steps to issue a result to each Learner who either was or is registered to take, between 1 August 2020 and 31 August 2021, an assessment that would have led to the issue of a result, or could reasonably have been expected by an awarding organisation to be so registered. This includes non-certificating Learners and we

expect an awarding organisation to consider how results can be made available to those Learners.

For Learners who are not expecting to certificate before 31 August 2021, an awarding organisation should consider the following factors when deciding when and how to award results to these Learners:

- fairness to those Learners and their ability to progress
- sufficiency of evidence upon which to base a valid award
- manageability for Centres
- uncertainty of the progress of the pandemic

Category B Qualifications which are used to support progression to further or higher study but which do not have the same characteristics as GCSEs, AS and A levels and are not delivered in the same way

For those Category B Qualifications:

- which do not have to follow an academic cycle
- are 'smaller' qualifications (low Guided Learning Hours)
- where Learners take assessments when they are ready and not at fixed points during the academic year
- which are not only taught in schools and colleges, and/or
- which do not include any assessment of occupational skills but may be assessing some element of proficiency

we expect an awarding organisation to continue to make assessments available to Learners where possible.

Where Learners are ready to take an assessment and can safely do so, remotely or in person, an awarding organisation should enable them to do so. However, where Learners are not able to safely access an assessment for these qualifications, an awarding organisation should put in arrangements for awarding using alternative evidence. This may include the use of Centre judgement.

Consistency of approach

An awarding organisation should make clear to Centres the basis upon which Learners can be awarded a result using alternative evidence and seek to develop consistent approaches with awarding organisations offering similar qualifications. This is in line with 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 GQs.

If a common approach on how to determine a result using Teacher Assessed Grades within a particular qualification-type, subject/sector is agreed, an awarding organisation should have regard to that approach where relevant, and seek to comply with it where possible and appropriate.

Head of Centre checks and declarations

We require an awarding organisation to provide guidance to Centres about internal quality assurance and to take all reasonable steps to ensure that a Centre has in place, and complies with, effective arrangements to quality assure its Teacher Assessed Grades before submitting them to the awarding organisation.

In particular, we require an awarding organisation to ensure that a check on the Teacher Assessed Grade is conducted by the relevant head of department or equivalent or, where there is no person in such a role, the head of Centre or equivalent.

An awarding organisation may require a Centre to provide a head of Centre declaration and may specify the form that it may take.

Standards in 2021

For some Category B Qualifications, awarding organisations will require each Centre to submit a Teacher Assessed Grade for each Learner, based on an assessment of the standard at which they are performing. This professional judgement should be derived from a range of appropriate evidence.

When considering a Learner's performance, Centres should consider evidence as guided by the awarding organisation in respect of the qualification.

Centres should consider each Learner's performance and make a realistic judgement of the standard of that work. Centres will have a good understanding of their Learners' performance and how it compares to other Learners within the qualification/Component this year, and in previous years.

In coming to this judgement, Centres should seek to make it no easier or harder for a Learner to achieve a particular grade this year compared to previous years, while bearing in mind that in 2021 Learners might not have been taught all of the course of study so might not demonstrate such a broad range of knowledge, skills and understanding.

As part of their internal quality assurance, Centres should consider the results for this year's group of Learners compared to groups of Learners from previous years when assessments took place, as a check to make sure they have not been overly harsh or lenient in their assessment of the 2021 group of Learners compared to previous years.

It is important that the judgements are objective, and they should only take account of evidence relevant to Learner performance.

Private Candidates

Condition VCR3.1 provides that an awarding organisation must take all reasonable steps to issue a result to each Learner who either was or is registered to take, between 1 August 2020 and 31 August 2021, an assessment that would have led to the issue of a result, or could reasonably have been expected by an awarding organisation to be so registered. This includes Private Candidates and we expect an awarding organisations to consider how those Learners can have access to a result.

Guidance on compliance with Condition A6 in relation to VTQs and Condition VCR3.1(a)(ii)

Under Condition VCR3.1(a)(ii), an awarding organisation is required to take all reasonable steps to issue a result to a Learner who it would reasonably have expected to have been registered to take an assessment between 1 August 2020 and 31 August 2021 for a Category B Qualification which it makes available.

It is intended that, as part of the Learners captured, this will include those who –

- may have been de-registered following an awarding organisation's decision that an assessment would not go ahead,

- have been registered for the qualification but not for the assessments that may not have gone, or may not go, ahead, or
- were, before the closure of Centres, studying for the qualification at a Centre and due to take an assessment for it on or after 6 January 2021, but who were not registered with the awarding organisation

However, we recognise that this requirement gives rise to the potential for abuse.

Condition A6 will continue to apply in respect of VTQs, albeit that an awarding organisation will need to take account of the changed risk profile with respect to the VTQs that it makes available. As part of its consideration of the changed risk profile under Condition A6, an awarding organisation should treat the potential for abuse of Condition VCR3.1(a)(ii) as a risk which could give rise to an Adverse Effect.

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 an awarding organisation 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.

Guidance on compliance with Condition A8 in relation to VTQs

Under Condition A8, an awarding organisation must take all reasonable steps to prevent the occurrence of malpractice or maladministration in the development, delivery and award of its qualifications.

Condition A8 continues to apply in relation to results issued under the VCR Conditions, albeit that an awarding organisation will need to take account of the changed risk profile with respect to the VTQs that it makes available. As such, an awarding organisation must take all reasonable steps to prevent malpractice or maladministration that could occur in relation to –

- (a) results based on Adapted assessments, and
- (b) results based on other approaches,

issued under the VCR Conditions.

Under Condition VCR3.7, an awarding organisation may choose to issue a result in line with the VCR Conditions to a Learner taking a Category B Qualification outside

the UK. So too can an awarding organisation Adapt its VTQs under Condition VCR2.1(b) where taken outside the UK.

An awarding organisation should consider the particular risks of malpractice depending on the nature of the non-UK setting, including the potential for bribery in relation to results.

Guidance on compliance with Condition D2 (Accessibility of qualifications) in relation to VTQs

Under Condition D2, an awarding organisation must ensure that it complies with Equalities Law in relation to each of the qualifications that it makes available. Equalities Law will continue to apply in relation to VTQs which have been Adapted under Condition VCR2.1(b).

In line with Conditions D2.2 and D2.3, an awarding organisation must continue to monitor any disadvantages to groups of Learners who share a particular Characteristic in relation to an Adapted VTQ that it makes available, and remove any disadvantage where it cannot be justified.

Under Condition D2.3(b), an awarding organisation must also keep a record of any disadvantage which it believes to be justified.

Guidance on compliance with General Condition G7 (Arrangements for Special Consideration) in relation to VTQs

Under Condition G7, awarding organisations are required to give Special Consideration to a Learner who has temporarily experienced an illness or injury, or some other event outside of their control. An awarding organisation must have in place clear arrangements for Special Consideration and must publish details of them. An awarding organisation should review those arrangements to ensure they remain appropriate in the context of the disruption caused by the coronavirus (COVID-19) pandemic.

Under the VCR Framework, assessments can be held for Category A Qualifications either as normal or in an Adapted form. For Category B Qualifications, assessments can take place as normal, or in an Adapted form as permitted under Condition VCR3.6 and the requirements set under Condition VCR3.4(a).

In relation to VTQs for which assessments are to be held, where qualifications and assessments are disrupted as a consequence of the pandemic – including, for example, where a national or local lockdown impacts on an assessment opportunity – in accordance with the guidance on Condition G7 an awarding organisation should:

- consider whether it can Adapt, or further Adapt, its qualifications or assessment (where permitted) in the first instance before considering whether Special Considerations apply. For example, it should determine whether alternative assessment opportunities are available if a Learner has had to miss an opportunity for reasons connected to the pandemic that are outside his or her control. Where a Learner has missed teaching and learning as a consequence of public health guidance, Adaptations to qualifications and assessments should be considered, rather than Special Consideration
- ensure that where Special Consideration is available to Learners who have not completed all of the assessments (because of previous or future lockdowns, for example), Centres and Learners are clear about the amount of assessment evidence a Learner must have completed before a qualification can be awarded

Guidance on compliance with Condition I1 in relation to VTQs

Under Condition I1, an awarding organisation must establish, maintain and comply with an appeals process in relation to all of its qualifications. This obligation continues to apply in respect of results issued under the VCR Conditions.

Condition I1 allows an awarding organisation to structure its appeal process as it considers best, providing that it meets the minimum requirements set out in the condition.

Appeal grounds

An awarding organisation should consider whether it will need to adapt its usual appeal process to cater for the results that it issues under the VCR Conditions. For example, the closer the approach used by an awarding organisation to determine results is to that used for general qualifications, the more it may consider it appropriate to follow an appeals process similar to that set out in the GAA Framework.

We will expect an awarding organisation to ensure that Learners who are awarded their qualifications that are similar to GCSEs, AS and A levels have access to a right of appeal on the same basis as those set out for GCSEs, AS and A levels, where possible and appropriate. We note that the exact nature of the process might need to differ to recognise the different nature of the qualifications.

As required under Condition I1.2(a), we will expect an awarding organisation to provide for appeals on the basis that it has used incorrect information or that procedures were not followed properly and fairly when determining a result.

Condition I1.2(a) will encompass whether a Centre has followed a procedure properly and fairly, where relevant, including any issue in relation to bias or discrimination on the part of a Centre in following a procedure.

Private Candidates

We will expect an awarding organisation to provide a direct right of appeal for Private Candidates in relation to all results issued under the VCR Conditions, without the need for an appeal to be brought by a Centre on the Private Candidate's behalf.

Guidance on Condition H2 (Centre Assessment Standards Scrutiny where an assessment is marked by a Centre)

Where assessments continue for Category A Qualifications or Category B Qualifications, an awarding organisation should comply with Condition H2 (Centre Assessment Standards Scrutiny). However, an awarding organisation can make Adaptations to its approach if this is necessary in the context of ongoing disruption arising from the pandemic and the need to comply with public health guidance.

Condition H2 will not apply to the judgements made by a Centre to arrive at a Teacher Assessed Grade for a Category B Qualification. We have set separate requirements in relation to the internal and external quality assurance that must be put in place for Teacher Assessed Grades. An awarding organisation is able to determine what approach to external quality assurance is most appropriate in light of the minimum evidential threshold and the approach to the determination of results for that qualification. This may mean that it does not follow its usual CASS processes.

***DRAFT DOCUMENT: See the final version in our consultation outcomes at:
<https://www.gov.uk/government/consultations/regulatory-arrangements-for-the-awarding-of-vocational-and-technical-and-other-general-qualifications-in-2020-2021>***



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