

Ofqual Board

Paper 92/14

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Title:

Guided Learning Hours: decisions following the consultation

Report by:

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Responsible Director:

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Paper for decision

Open (Annex A closed but scheduled for future publication)



Issue

1. This paper is about how we implement the requirement to assign size values to qualifications to support the Raising of the Participation Age (RPA) policy. Young people aged 16-18 who are in part-time work have to be doing a certain amount of training, and this is defined using the sizes of the qualifications for which they are studying. We and the awarding organisations have duties to assign sizes to qualifications that may be used for this purpose.
2. We consulted¹ from 24 July – 16 October 2014 on how these duties should be satisfied. Our consultation included draft Conditions and Criteria with which we proposed awarding organisations would have to comply as they determined whether their qualifications were relevant for RPA and when estimating the size of their qualifications. The analysis report and a summary of the key points can be found in Annexes A and B. We have developed our thinking in view of the responses we received to those proposals.

¹ Guided Learning Hours: a consultation on the relevance of qualifications to the Raising the Participation Age policy and estimating the size of qualifications, <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/documents/guided-learning-hours-july-2014/> (accessed 09/01/2015)

3. This paper reports on the responses to the consultation and invites the Board to decide on next steps.

Recommendations

4. In this paper we have made a number of technically detailed recommendations including the terminology of definitions of size. In summary, the Board is recommended to agree that:
 - a) the proposed new Condition E7, requires that all qualifications have a measure of size, not just those determined by an awarding organisation to be relevant for RPA purposes, and for this measure to be calculated using the TQT Criteria, but this Condition will not impose a requirement for determining a qualification's relevance for the RPA policy;
 - b) we introduce stand-alone Criteria for determining whether a qualification is relevant for RPA purposes in line with our duties under the Education and Skills Act 2008 that will exist outside our regulatory framework. We would not be able to enforce these Criteria as they would not be linked with a Condition. (see paragraph 27 for details).
 - c) we develop and consult on statutory guidance to support the understanding of the new Condition E7 and include in this guidance examples to illustrate how different types of learning activities should be categorised.
 - d) we consult on changing the proposed term 'Directed Study' to 'Directed Learning' and on changing the proposed term 'Dedicated Assessment' to 'Invigilated Assessment';
 - e) the existing Condition E3 (Publication of a qualification specification), is amended to reflect a requirement for all awarding organisations to include a measure of size in their qualification specifications;
 - f) the draft TQT Criteria on which we consulted should be amended such that awarding organisations use a GLH value that reflects the delivery approach most likely to be used by students subject to an RPA duty, and to clarify that the values used should be the shortest route through a qualification as taken by typical students likely to use the qualification for RPA purposes;
 - g) we consult on the introduction of the new RPA Criteria and changes to the proposed new Condition E7, TQT Criteria and the existing Condition E3 in the context of our proposals for a qualifications framework and proposed changes arising from withdrawal of the QCF. We are proposing in Board Paper 91/14 that we consult between February-May 2015. The Board is asked to delegate authority to [the Chief Executive to sign-off the

proposed new Condition E7, TQT and RPA Criteria and the proposed amendments to Condition E3 for consultation;

- h) the transition period for existing qualifications ends on 31 December 2016. This means that by this date, all existing qualifications will have new TQT values (and related evidence) and these values will be displayed on our Register.
- i) all new qualifications must comply with the Conditions and Criteria two months after the publication of the final Conditions, Criteria and guidance (due for publication in summer 2015);
- j) we will be considering a change to the way Credit values are calculated using Total Qualification Time values as a result of the responses to the consultation. We propose to consult on this matter in the consultation about the new framework for regulated qualifications.

Rationale for recommendations

- 5. Our key recommendation in this paper is that **all** qualifications should be required to have a measure of size, whether or not they are relevant for RPA purposes. This is different from the proposal on which we consulted, which proposed that for the small number of qualifications that would never be used for RPA purposes, allocation of a size value would be voluntary. We do not believe this proposed change will have a big impact on awarding organisations, because in practice all qualifications currently include a size allocation (though we believe these may not be calculated consistently). Responses to the consultation, including from awarding organisations, were strongly in favour of all qualifications having a measure of size. As explained below, this approach would in fact reduce the burden that we would otherwise have to impose on awarding organisations.
- 6. There are a number of particular reasons for this change:
 - users of qualifications (including UCAS, the Skills Funding Agency and the DfE) need to know the sizes of qualifications for a range of purposes, and believe that such a measure should be applied across all regulated qualifications, whether or not the qualification is relevant for RPA purposes. Colleges and employers need to know qualifications size for curriculum planning purposes, or so they know how long they will need to release employees for;
 - we are proposing a new framework for regulated qualifications as a result of the recent work on changes to the QCF (see Board paper 91/14). Our recommendations there, reflecting in part the advice of the Vocational Advisory Group, is that one of the ways qualifications should be classified under the proposed framework is by a measure of size, given how useful this information is to many users; and

- we have been advised by our Legal team that if all qualifications must have a size allocation, we can remove the proposed condition about relevance of qualifications to the RPA policy. Although we must still set and publish Criteria for determining relevance, these will stand outside the regulatory framework. This should lead to some reduction in the regulatory burden on awarding organisations, because they will not need to go through the process of deciding whether a qualification is relevant for RPA purposes even if they were planning to allocate a size value anyway (as would be likely in the vast majority of cases).
7. We are proposing that this measure of size be calculated and defined using the Total Qualification Time values. Our proposed Total Qualification Time consists of three components: Guided Learning Hours (as defined in the Act), Directed Study Hours and Dedicated Assessment Hours. Annex C contains full definitions of these terms.

Background

8. The Board has previously considered² our statutory duties with regard to Guided Learning Hours and qualifications' relevance for the RPA policy. Our obligations are set out in sections 145 and 146 of the Apprenticeships, Skills, Children and Learning Act 2009 (the Act). These sections of the Act commenced in 2013 and require us to determine how awarding organisations:
- decide whether a qualification is, or is likely to be, used by persons in work in England aged 16 or 17 to help them meet their legal duties to participate in relevant education or training; and
 - calculate and describe the time students will typically need to spend undertaking certain activities when studying for a qualification that has been determined to be relevant for RPA purposes.
9. One key aspect of our obligations under section 145(11) of the Act is the requirement for us to use a new definition for hours of Guided Learning. This definition (as set out both in the Act and the Education and Skills Act 2008) is substantially different to the definition of Guided Learning Hours in our Regulatory Arrangements for the Qualifications and Credit Framework (2008). This is because the new definition specifically refers to education or training that takes place under direct supervision, i.e. in real-time, rather than unsupervised education or training. Our definition in the QCF Regulatory Arrangements includes unsupervised education or training. Qualifications also contain different types of assessment which may be supervised and unsupervised.
10. We have therefore considered how the time required to complete different forms of learning and assessment can be defined, and how to find an approach that will work for all regulated qualifications.

² This matter was raised at the Board meeting of 22 May 2013 within the Regulation Report.

11. In our consultation in addition to other matters, we sought views on the following proposals:
 - i. to introduce a new term of 'Total Qualification Time' that will include Guided Learning (as set out in the Act), Directed Study and Dedicated Assessment. These would become additions to the existing Condition J1 (Interpretation and Definitions);
 - ii. the introduction of a new General Condition of Recognition (E7) to require all awarding organisations to determine a qualification's relevance to the RPA policy, use our definitions when assigning Total Qualification Time values to relevant qualifications, keep these values under review and declare these values in the qualification's specification;
 - iii. the introduction of Criteria to be used by awarding organisations when they determine the relevance of a qualification to the RPA policy and assign Total Qualification Time values;
 - iv. the impacts of implementing the above proposals, including the time required for awarding organisations to review their qualifications to comply with the proposed Condition E7, the amendments to Condition J1 and the introduction of the Criteria.
12. The summary of responses to the consultation is attached at Annex A. A total of 109 responses were received, 74 from awarding organisations. A further ten responses were received from other representative or interest groups, including SQA. We also received a short response from UCAS as part of their wider response to the parallel-running QCF consultation.
13. In addition to the consultation, we held two consultation workshops for awarding organisations. These gave awarding organisations the opportunity to ask about the proposals in more detail and discuss their views with colleagues and Ofqual staff.
14. Before and during the consultation, we discussed our proposals with a number of other stakeholders including government departments.³
15. We have reviewed the proposals on which we consulted in the light of the consultation responses and other stakeholder comments and we recommend one substantial change to those proposals. We will also use the feedback to inform the associated statutory guidance on which we plan to consult. Annex B contains the full list of issues raised in the consultation and our proposed responses to them.

³ These stakeholders included the Skills Funding Agency, the Education Funding Agency, the DfE, BIS, the Department of Education Northern Ireland (DENI), the Department for Employment and Learning Northern Ireland (DELNI), the Department of Health, Social Services and Public Safety in Northern Ireland, CCEA (the regulator), the Welsh Government, SQA, UCAS, FAB and the 157 Group. We received formal consultation responses from some but not all of these groups. The complete list of organisations who responded formally to the consultation can be found in Annex A.

A new General Condition of Recognition (E7) and new TQT Criteria

16. Under the Act, there are new duties on awarding organisations to:
 - a) determine if a qualification is relevant for RPA purposes;
 - b) assign a number of hours of Guided Learning to the qualification, where the qualification is relevant for RPA purposes.
17. We proposed that:
 - a) in line with their statutory duties, an awarding organisation must determine whether or not every regulated qualification it offers was relevant for RPA purposes;
 - b) if the awarding organisation determined a qualification was relevant, the awarding organisation must describe its size in accordance with our proposed TQT Criteria; and
 - c) if the awarding organisation determined a qualification was not relevant for RPA purposes but nevertheless wished to describe its size, it should do so using the same TQT Criteria. This would secure a consistent approach to describing the size of a qualification and avoid confusion and
 - d) that we should impose on awarding organisation a condition covering the requirements in (a) to (c)
18. The responses to the consultation indicate that some awarding organisations are unclear about the nature of their duties, believing it is our responsibility (not theirs) to make determinations for RPA purposes. We will use our communications on the Board's decision following the consultation to repeat AOs' responsibilities.
19. Some awarding organisations suggested that the proposed 'opt-in' approach (i.e. a qualification's size could be described using the TQT criteria even when it was not relevant for RPA purposes) was confusing. UCAS, the Skills Funding Agency⁴ and the DfE welcomed our general approach. However, these stakeholders believe that for a measure of size to be meaningful it should be applied across **all** regulated qualifications, whether or not the qualification is relevant for RPA purposes. These organisations use measures of qualification size for their tariff, funding regime, performance tables etc. In addition some qualifications may need a measure of size for Home Office visa requirements.

⁴ Both the SFA and the Education Funding Agency (EFA) use the GLH of qualifications in the process of determining whether, and for how much, they will fund students' programmes of learning. Since the Wolf review, EFA's reliance on measures of size has reduced but still remains in some areas. The SFA will only fund qualifications over a minimum size and for qualifications over that threshold. The SFA pays proportionately more for larger qualifications.

20. The widespread use of qualification size is evidenced by the fact that awarding organisations already calculate the number of hours of guided learning for their qualifications and display these values in RITS and on our Register, albeit that this is not currently a regulatory requirement.
21. We consulted on our proposed changes to the QCF at the same time as we consulted on GLH. Responses to the QCF consultation indicate broad support for the proposed introduction of a new qualifications framework, one aspect of which would be the consistent approach to describing the size of regulated qualifications. We intend to consult on the detail of the new framework proposals from February to May 2015. We discuss this in more detail in Board paper 91/14. For the framework to be meaningful, all qualifications will need a size description. The Vocational Qualifications Advisory Group told us they supported a consistent approach to describing the size of regulated qualifications in December 2014. In light of this feedback and the responses to the QCF consultation, we recommend that awarding organisations should be required to describe the size of all their regulated qualifications in accordance with the TQT criteria, whether or not they are relevant for RPA purposes.
22. If we adopt this approach we can remove from the proposed new conditions the requirement on awarding organisations to determine whether each of its qualifications is relevant for RPA purposes. This is because the requirement relating to a qualification's relevance for RPA purposes is already included in section 145 of the Act. The only reason that we had proposed introducing a condition to this effect was because the decision as to a qualification's RPA relevance would determine whether the awarding organisation had to assign a GLH value. If we require that such a value is assigned to every qualification (in line with current practice and the expectations of those who use qualifications), there is no regulatory reason for us to require each awarding organisation to make (and justify) a RPA relevance decision.
23. The overall effect would be to reduce the regulatory burden on awarding organisations relative to that we had planned to impose. As set out above, the number of hours of guided learning is already calculated by awarding organisations for a number of reasons, including for the purposes of calculating credit, for including qualifications in performance tables, for funding and for the UCAS tariff.
24. Students will also wish to know how much time they will be expected to commit to a qualification. Students who are self-funding may be particularly concerned to decide whether they can commit to the time required. Employers may also wish to understand the time commitment involved in a qualification before sponsoring employees e.g. whether day release to a college is required, whether they will need to allow time for examinations etc.

Recommendation: the proposed Condition E7 is amended to require that all qualifications have a measure of size and for this measure to be calculated using the TQT Criteria, but this Condition will not impose a requirement for determining a qualification's relevance for the RPA policy.

25. Awarding organisations will still be subject to the duty under the Act to determine whether their qualifications are relevant for RPA purposes but this will not be reflected in a general condition. Following advice from our Legal team, we propose to introduce a stand-alone document: Criteria for determining whether a qualification is relevant for the purposes of the Education and Skills Act 2008 ('RPA Criteria'). This fulfils our obligation under the Act to set and publish criteria for determining whether a qualification is relevant for 2008 Act purposes.
26. We would not be able to take regulatory action against an awarding organisation if it did not apply our proposed RPA Criteria. This is because there would not be any general condition on which to hang such action. However there are no conceivable circumstances in which we would wish to take such action. There are two reasons for this:
- a) We have no duty under the Act to enforce the requirement for an awarding organisation to have regard to the Criteria. This is a statutory requirement on the awarding organisation under section 145(5) of the Act. Therefore if the awarding organisation did not comply, it could be judicially reviewed.
 - b) We would have no interest in enforcing the requirement for its own purposes as, under our proposed condition E7, a value for GLH must be assigned regardless of whether or not a qualification is considered relevant. An awarding organisation must apply the TQT Criteria in assigning that value. If an awarding organisation did not assign such a value we could take appropriate regulatory action for breach of Condition E7. Also if the awarding organisation failed to apply the TQT Criteria, under the proposed Condition E7.4 we could require the AO to revise the value it had assigned.

Recommendation: we introduce Criteria for determining whether a qualification is relevant for the purposes of the Education and Skills Act 2008 that will exist outside our regulatory framework.

Estimating the size of qualifications – Total Qualification Time

27. We proposed to introduce new definitions to describe the size of a qualification: Total Qualification Time incorporating Guided Learning, Directed Study and Dedicated Assessment. The proposed definitions are set out in full are set in Annex C.
28. The Act includes a definition of Guided Learning from which we cannot depart. We did not therefore invite comment on this. We did ask for views regarding the activities that could be categorised under Guided Learning (GLH).

29. We invited comment on our proposed new definitions of Directed Study and Dedicated Assessment and which learning activities should be categorised under each of these components.
30. The feedback demonstrates that the majority (between 54-62 per cent) of respondents found our proposed definitions of size were unclear and/or inappropriate. However having read the qualitative responses, it is clear that the awarding organisations were more concerned about how they should classify different types of learning activity than the definitions themselves. They asked for examples of learning activities that would be classified under the different components of TQT. We intend to address these concerns through the publication of statutory guidance. Others, however, found our proposed definitions sensible and appropriate. This was echoed in views that the terms were clearly expressed at the consultation workshops for awarding organisations and by other stakeholders including UCAS and the Skills Funding Agency (SFA).
31. The consultation responses highlighted more general concerns about the obligations the Act and the proposed new Conditions would place on awarding organisations. Some respondents also commented on the legal language used in the proposed new Condition E7 and TQT Criteria. We have considered how we can minimise the burdens on awarding organisations. The Act places new duties directly on both awarding organisations and on us with which we must comply. Nevertheless, we have reduced and simplified Condition E7 and Criteria (Annex C-G) without losing their meaning or compromising their enforceability. Removing the sections relating to RPA relevance has simplified Condition E7 and the introduction of separate RPA Criteria has simplified the TQT Criteria.

Recommendation: we develop statutory guidance to support the understanding of the new Condition E7 for consultation and include in this guidance examples to illustrate how different types of learning activities should be categorised.

32. Concerns were raised by stakeholders⁵ that the term 'Directed Study' related to academic qualifications only and was not appropriate for vocational qualifications. We therefore recommend that activities that are not Guided Learning or Dedicated Assessment are described as, 'Directed Learning' instead of 'Directed Study'. 'Directed Learning' may be more appropriate to describe a range of learning activities, including work-based learning.
33. In addition, respondents and delegates at the workshops were confused by the term 'Dedicated Assessment' and how it related to both general and vocational qualifications. In particular, workshop delegates said that a value of zero under Dedicated Assessment could

⁵ These concerns were raised in both the consultation responses and in comments at the consultation workshops.

imply that a qualification had no assessment at all. This would, of course, not be the case as there are many different types of assessment that would fall in the categories of Guided Learning or Directed Study. We have considered a number of alternatives to Dedicated Assessment::

- ‘Other Assessment’: *this would indicate that some, but not all, types of assessment are included in Guided Learning and Directed Study. However the term would not make it clear what differentiates assessment in this category from assessments categorised under Guided Learning or Directed Study.*
- ‘Examinations’: *it was clear from feedback that the term Examination is understood to refer particularly to general or academic qualifications. Concerns were raised that a valid qualification could be devalued if there was a zero value in this category.*
- ‘Invigilated Assessment’: *this would clearly indicate that this type of assessment is to be invigilated, rather than undertaken under direction of a teacher/supervisor/tutor and is a more accurate reflection of the definition we have used. An examiner may also be an invigilator where they are assessing a candidate face-to-face. This term might more clearly indicate that there may be other types of assessment used within a qualification.*

Recommendation: we consult on changing the proposed term Directed Study to Directed Learning and on changing the proposed term Dedicated Assessment to Invigilated Assessment.

Publication of a single value for GLH

34. We have previously accepted a maximum-minimum range of GLH values for a qualification. However the Act requires awarding organisations to assign a single GLH value to each qualification that is determined as relevant for RPA purposes. In our consultation, we proposed that this single value, as required by the Act, would be recorded in the qualification’s specification and set this proposed requirement out in draft Condition E7.10.
35. In light of our proposal requiring all qualifications to have a measure of size, we have taken further legal advice regarding the wording of the proposed Condition E7.10. As a result we are now proposing to remove the proposed Condition E7.10 and add the new requirement to the existing Condition E3 ‘Publication of a qualification specification’.

Recommendation: the existing Condition E3 is amended to reflect a requirement for awarding organisation to include a measure of size in their qualification specifications.

36. Awarding organisations have expressed the following concerns regarding the new requirement for a single value for GLH:

- a single value will not reflect the fact that students start a qualification with different levels of skill and knowledge and therefore need varying amounts of time to complete a qualification; and
 - schools and colleges teach the same qualifications in different ways (e.g. blended learning or classroom-style) depending on their cohort. A single value will not reflect this range of delivery and will not encourage innovative forms of delivery and learning.
37. Some awarding organisations suggested they should be allowed to record one GLH value on RITS (and therefore the Register) and to set out in the qualification's specification how GLH could vary depending on teaching practice. This will not be possible as GLH is now a defined term in the Act and its value must be determined using our Criteria. The Act requires there must be one GLH value for each qualification to be used for RPA purposes.
38. We recognise that one qualification may be delivered in many different ways and that different time requirements might typically be required for each way. However, we also recognise that any measure of the time it will take to complete a qualification will be an approximation and that the actual time will vary in practice. As the policy is connected to RPA we propose that an awarding organisation must base its determination on the time it estimates will typically be taken by students taking the qualification for RPA purposes.

Recommendation: we recommend that the Board agree the draft TQT criteria should be amended such that awarding organisations use a GLH value that reflects the delivery approach most typically used by students subject to an RPA duty.

39. Where there are optional routes through a qualification, for example different combinations of units are permitted which are not of an equal size, we proposed that an awarding organisation must base its TQT value on the options that would take the shortest time, i.e. the shortest route. This would align with current government practice on performance table reporting.
40. Awarding organisations expressed the following concerns⁶ regarding the use of the shortest route through a qualification as its single GLH value:
- the shortest route may not be the most frequently used route, and therefore may not reflect the qualification's typical students; and

⁶ These concerns were reflected in both the consultation responses and by delegates at the consultation workshops.

- taking the shortest route may impact on the Credit value of the qualification which respondents believed would have an impact on funding available for the qualification.
41. In response to the first concern we propose that the awarding organisation must use the shortest route typically taken by students seeking to use the qualification for RPA purposes. We accept this may not be the most frequently used route or even the shortest route possible through the qualification. However this will follow the principle set out above that an awarding organisation must base its determination on the time it estimates will typically be taken by students taking the qualification for RPA purposes.
42. With regard to the second concern, currently Credit is calculated using the amount of notional learning time (which is made up of Guided Learning and Directed Learning) divided by ten. A single value of notional learning time would have been used by awarding organisations in order to calculate Credit. If this was not already the value reflecting the experience of most students, it brings into question the appropriateness of the Credit value. We acknowledge our proposals mean that some qualifications may have a lower Credit value than currently. However we would expect the different routes available through a qualification to be similar in order for them to be comparable. Therefore if the longest route has been used to calculate Credit and the awarding organisation changes this to the shortest route, there may be little difference in Credit value.
43. It is worth remembering that TQT values are estimates. We set out our requirement that awarding organisations review the TQT values of their qualifications in the proposed new Condition E7.3 (see Annex D).

Recommendation: we amend the TQT Criteria to clarify that the values used should be the shortest route through a qualification typically taken by students seeking to use the qualification for RPA purposes.

Consultation

44. In order to introduce the proposed new RPA Criteria and make the recommended changes to draft Condition E7, the draft TQT Criteria and Condition E3, we must consult again. The consultation would include the following proposals:
- a new policy that all qualifications must have a measure of size allocated to them;
 - that the measure must be determined using the TQT criteria;
 - the proposed new RPA Criteria; and,
 - the associated amendments to the proposed new Condition E7, TQT Criteria and the existing Condition E3.

Recommendation: we consult on the introduction of the proposed new RPA Criteria and changes to the proposed new Condition E7, TQT Criteria and the existing Condition E3 in the context of our proposals for a qualifications framework and proposed changes arising from withdrawal of the QCF.

Implementation – Credit values

45. Qualifications that have been designed to meet the requirements of the QCF have a credit value. Most respondents (57%, including 53 awarding organisations) to the consultation agreed that our proposals would have no impact on Credit values already allocated to qualifications. 22 awarding organisations disagreed, some because they believed we were introducing a new system of calculating Credit.
46. Credit is currently calculated by dividing the number of hours of notional learning by ten. Notional learning is made up of guided learning and what is commonly called directed study: our proposal follows this convention. We have proposed to split notional learning into Guided Learning and Directed Learning. The combined total of Guided Learning and Directed Learning should therefore be equal to the previous number of hours of notional learning. We currently require awarding organisations to regularly review their qualifications. As part of this review, the Credit value⁷ of a qualification should also be reviewed and amended appropriately as a matter of course. Any new calculation of Credit would therefore use the same total value as the current calculation. Awarding organisations who have correctly calculated their Credit values and regularly review their qualifications should not be affected by our proposals.
47. Some awarding organisations have expressed concern that we are proposing to change the way Credit values are calculated. Some believed that we were removing all assessment time from the way credit is calculated. Assessment that is invigilated and timed, and where the student is not being guided/directed and is not learning, is not currently included as part of Credit under our interpretation of the Regulatory Arrangements for the QCF. We defined the form of assessment that sits outside Credit as Dedicated Assessment in our

⁷ Credit is defined in the Regulatory Arrangements for the Qualifications and Credit Framework (Ofqual, 2008) as 'An award made to a learner in recognition of the achievement of the designated learning outcomes of a unit'. In the same document, Credit values are defined as 'The number of credits that may be awarded to a learner for the successful achievement of the learning outcomes of a unit.'

Currently, all QCF qualifications must have a Credit value. We have recently consulted on changes to the QCF. One of our proposals was that it will be optional for such qualifications to have a Credit value.

consultation and we proposed that⁸ these forms of assessment would continue to be included within Credit, as at present.⁹

48. Some concerns were raised in the consultation that our proposals will introduce different ways of calculating credit values in different parts of the UK. Credit is already calculated differently in Scotland, widely in the EU and in higher education in the UK, where all assessment time is included in the calculation. The number of hours of Dedicated/Invigilated Assessment (the type of assessment excluded from Credit values) are typically a very low proportion of a qualification's Total Qualification Time. If an awarding organisation has incorrectly included such time when calculating credit, the impact on the credit value could be expected to be minimal. It would be more straightforward if Credit (where it continues to be used) is calculated by dividing TQT by 10 (rather than TQT minus dedicated or invigilated assessment time divided by 10). It would also bring us into line with other approaches to calculating credit. We therefore propose to seek views in the QCF consultation on including all assessment time in the calculation of Credit.

Implementation – transition period

49. We proposed a transition period of 12 months for awarding organisations to comply with the proposed new Condition E7 and the TQT Criteria.
50. A significant proportion of awarding organisations and other stakeholders believed this was insufficient time for them to:
- determine whether or not a qualification is relevant for RPA purposes
 - consult with subject experts and end users on the time it takes the typical student to complete a qualification;
 - gather evidence to meet the TQT Criteria;
 - re-calculate and assign new Credit values (where required);
 - evaluate the cost of gathering evidence and reviewing qualifications;
 - evaluate the implications of any new size value for funding regimes;
 - review and republish specifications;
 - allocate resources to the task of reviewing qualifications; and
 - conduct staff training.

⁸ In this paper we are proposing to change the name of this form of assessment from Dedicated Assessment to Invigilated Assessment (see paragraph 34).

⁹ These types of assessment include competency-based assessments where an assessor is able to step in and halt the assessment (turning it into a learning opportunity, this is therefore part of Guided Learning), the submission of a portfolio where the student completes it in their own time and e-assessments that can be carried out in the home where the student has access to books and other materials. These last two examples would be included in Directed Learning.

51. Some respondents, including FAB, suggested that instead of the proposed 12 month transition period each AO should be allowed to determine a qualification's relevance for RPA purposes and its TQT values at the time it would naturally be reviewing the qualification. Others suggested a staged approach (for example beginning with the RPA determination and associated GLH values and adding Directed Study values at a later date). However, if an AO has to determine the GLH value of a qualification it would seem most efficient for it to consider the other aspects of TQT at the same time.
52. Many respondents simply suggested the proposed transition period should be extended to two years. We have also considered academic and funding timetables. Curriculum directors need GLH values and funding information to inform their timetable planning in the early part of the calendar year. For example the SFA publishes its lists of approved qualifications with funding rates in January/February each year.
53. It is therefore recommended that, assuming we publish our new requirements in summer 2015 the transition period should end on 31 December 2016. We would by then require all existing qualifications to have been brought in line with the new Condition E7 and TQT Criteria. We would require new (rather than current) qualifications to comply with Condition E7 and the TQT Criteria two months after the publication of the Conditions, Criteria and guidance.

Recommendation: we recommend that the transition period for existing qualifications ends on 31 December 2016

Recommendation: we recommend that all new qualifications must comply with the Conditions and criteria two months after the publication of the Conditions, Criteria and guidance.

54. We will have to change our IT system before awarding organisations can change the GLH values that appear on the Register. However awarding organisations will be able to work on many of the tasks detailed above (e.g. gathering evidence, decision making, establishing new systems etc) as soon as the new Condition E7 and the new TQT Criteria are published.
55. If the Board accept this recommendation we will provide a timeline to awarding organisations in the consultation, including GCSE/GCE and QCF reform activities.

Finance and resource

56. Changes to RITS to allow awarding organisations to add the new values are classed as 'medium level'. It is estimated that the required changes will take 10 developer days and cost approximately £10,000.
57. This work is underway and takes into consideration changes that may be required as a result of the QCF consultation proposals and other required changes to RITS.

Impact assessments

Equality Analysis

58. We identified no relevant impacts on persons with protected characteristics arising out of our proposals. Most respondents agreed with this analysis.
59. Where concerns were raised, they reflected the view that our proposals could lead to confusion for students who may require more time than that estimated in a qualification's TQT values.
60. We accept that some students may require more or less time than that estimated for typical students. Awarding organisations would be able to advise centres that individual teaching methods and certain cohorts of students may require more or less hours of Guided Learning. An awarding organisation could choose to make this explicit in a qualification's specification or on its website.
61. Our proposals do not impact on awarding organisations' or centres' obligations to make reasonable adjustments for disabled students which could affect the period allowed for assessment.

Risk Assessment

62. There is a risk that awarding organisations will not have updated their qualifications in time for the proposed cut-off date of 31 December 2016. After this date, the current GLH values will be removed from view. Not only will this mean that qualifications which do not have TQT values are not compliant with our proposed Condition E7, but the TQT values will not be available to end users such as funding agencies or curriculum directors.
63. We can help to mitigate this risk by setting clear expectations of awarding organisations before and during the transition period. We will do this by working closely with stakeholders (including FAB, JCQ, the 157 Group and the awarding organisations individually) to develop clear guidance in early 2015. In addition we will provide a timeline mapping these proposals against our proposed changes to the QCF and GCSE/GCE reform.
64. A risk raised by awarding organisations was the potential impact on the funding available for qualifications. This was a particular concern where awarding organisations believed Credit values had been calculated incorrectly and/or where the single value of GLH would result in a reduced Credit value.
65. We have spoken to both the SFA and the Education Funding Agency (EFA). Both organisations have responded positively to our proposals as they believe the new definitions will add clarity to the measures of size. This will mean the agencies can make more informed decisions about future funding for qualifications. It is possible that funding allocations will be reduced (or indeed increased) if initial estimations of the time it typically takes to complete a qualification were not accurate.

66. There is a risk that awarding organisations will not estimate their TQT values accurately. This could be due to a number of reasons, for example there could be a genuine error, an attempt to gain more favourable funding or a response to market pressures. This is currently a risk as we do not have regulations in place specifically relating to learning time, or consistent definitions, which would enable us to take regulatory action.
67. The risk of inaccurate estimates of learning time will still exist in future. However this is reduced as awarding organisations will have to comply with the proposed Condition E7. We can therefore use the proposed Condition E7 to take enforcement action if we have evidence of non-compliance. For example if the awarding organisation does not have evidence of their calculations of a qualification's TQT values, they will be in breach of the proposed Condition E7. We could then decide to take the most appropriate action, which could include imposing a fine or special Conditions. This would therefore be approached in the same way as any other occurrence of non-compliance.
68. Schools/colleges will still be able to decide whether to follow the estimated TQT values. However if they do not and users make a complaint to us, we can require the awarding organisation to investigate and take appropriate action where relevant. That action may be to consider the reasons for the change away from the TQT values from the school/college and review the published TQT values as a result. Alternatively the awarding organisation could decide that the school/college are in breach of their agreement or that discrepancy in learning time is such that the awarding organisation considers it to be a case of malpractice. In these cases, the awarding organisation would follow its standard procedures.

Regulatory Impact Assessment

69. Awarding organisations are already responsible for calculating learning time values for a number of reasons. For example learning time values can be used:
- to calculate Credit values (for QCF qualifications);
 - to inform user choice;
 - for funding purposes; and
 - for Government performance tables etc.
70. However, concerns have been raised with us about the reliability of the information currently published. We are now asking awarding organisations to have evidence to justify their calculations. We are also setting out clear definitions for each type of learning time into which different activities will fall.
71. Some awarding organisations raised concerns that the proposed new requirements would introduce a substantial regulatory burden. We accept that during the implementation period, awarding organisations will need to dedicate resources to activities including evidence-

gathering, consultation with users and updating specifications. Awarding organisations will be affected to a greater or lesser extent depending on their number of qualifications and the resources available in the organisation. For example some awarding organisations will already have minutes from qualification development meetings where learning time and types of activity have been discussed. Other awarding organisations may be able to point to comparable qualifications or existing advice from professional bodies and/or subject experts.

72. Our proposal to remove the requirement to determine relevance for the RPA policy from Condition E7 will reduce the regulatory burden on awarding organisations relative to that originally proposed. We recommend the proposed RPA Criteria are not part of our regulatory framework (as set out in paragraphs 26-27 above) and therefore will not add to the regulatory burden.
73. It is clear that Guidance to support Condition E7 will help awarding organisations and may allay fears of the regulatory burden. We will be able to set out examples of how different activities can be classified under the new definitions. We will work with stakeholders such as FAB, JCQ and the 157 Group when developing the Guidance. We also propose to use meetings with awarding organisations to work through potential examples prior to consultation in February 2015.
74. Some respondents observed that a perceived divergence in the calculation of Credit values between Ofqual, Welsh Government, CCEA and SQA might increase the overall regulatory burden for awarding organisations.
75. We have taken on board the comments made regarding Credit values across the different jurisdictions and considered these in our recommendations. The calculation of Credit values will be one of the subjects in the consultation about the proposed new framework for regulated qualifications. We will seek views in this consultation about the inclusion of all assessment types in Credit values, which would result in consistency with the Scottish, UK higher education and EU approaches to Credit.

Timescale

76. We will announce our decision and the timescale for implementation as soon as practicable following the Board's decision. The timescale will take into account the QCF-related proposals.

Communications

77. We will communicate our decision and timescale for implementation to awarding organisations, together with operational information about the requirements of Condition E7 and the TQT Criteria as soon as these are settled.

Internal Stakeholders

78. Regulatory Policy Teams, Regulatory Compliance, Qualifications Directorates, Regulatory Strategy teams.

External Stakeholders

79. DfE, BIS, DELNI, DENI, Welsh Government (and Qualification Wales), CCEA (regulator), SQA, SFA, EFA, UCAS, FAB, JCQ, awarding organisations.

Paper to be published	YES – except for Annex A that is presented in draft and is scheduled for separate publication
Publication date (if relevant)	With meeting minutes
If it is proposed not to publish the paper or to not publish in full please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA), please include references to specific paragraphs	Annex A is currently in draft for future publication

ANNEXES LIST:-

- ANNEX A** Analysis of Guided Learning Hours: a consultation on the relevance of qualifications for the Raising the Participation Age policy and estimating the size of qualifications.
- ANNEX B:** List of issues raised in the consultation and our responses
- ANNEX C** Proposed additions to Condition E3
- ANNEX D** Proposed Condition E7
- ANNEX E** Proposed additions to Condition J1
- ANNEX F** Proposed RPA Criteria
- ANNEX G** Proposed TQT Criteria

**Guided Learning Hours: a consultation
on the relevance of qualifications for
the Raising the Participation Age policy
and estimating the size of
qualifications**

Analysis of consultation responses

By

YouGov



This report has been commissioned by the Office of Qualifications and Examinations Regulation.

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Executive Summary

- 1.1 The focus of the Ofqual consultation analysed in this report is on how an awarding organisation (AO) should:
- decide whether a qualification is, or is likely to be, used by persons in work in England aged 16 or 17 to help them meet their legal duties to participate in relevant education or training; and
 - calculate and describe the time students will typically need to spend undertaking certain activities when studying for a qualification
- 1.2 In total 45 individuals and organisations responded to the online consultation, together with a further 57 MS Word versions of the online survey received by Ofqual. Each of the 57 MS Word versions of the online survey were entered into a final dataset for analysis, giving a final response of 102. A further 7 written submissions were received by Ofqual which did not conform to the online structure but have been reviewed and included in the text analysis.

Estimating the size of qualifications – Total Qualification Time

Question 1

- 1.3 Ofqual began the consultation by asking if there are any activities where respondents would be in doubt as to whether the activities should be included in 'Guided Learning'. Online learning and e-learning were frequently mentioned as activities that should perhaps not be considered as 'Guided Learning'. Another important theme identified centred on work experience and practical activities, as some respondents indicated they are unsure of when, if ever, these may be considered 'Guided Learning'. Passive supervision and induction were two further areas called into question regarding their inclusion in 'Guided Learning'.

Question 2

- 1.4 Ofqual presented respondents of the consultation with a statement: "The proposed definition of 'Directed Study' is clear and appropriate." Respondents were asked to state their view on this and then justify their reasoning. The majority of respondents (62%) disagreed that the proposed definition of 'Directed Study' is clear and appropriate.
- 1.5 Among those who disagreed that the proposed definition is clear and appropriate, a significant proportion commented on a lack of clarity in the context of work experience, on-the-job training, and practical skill development. Many respondents in disagreement also stated that they feel the lines are

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blurred between 'Directed Study' and other categories, 'Guided Learning' in particular.

- 1.6 Conversely, among respondents who agreed that the proposed definition of 'Directed Study' is clear and appropriate, some acknowledged the flexibility of the term or accepted that there may always be ambiguity and grey areas.

Question 3

- 1.7 Ofqual presented respondents with the statement: "The proposed definition of 'Dedicated Assessment' is clear and appropriate." A small majority of respondents (54%) disagreed with this statement.
- 1.8 Many felt that it was particularly unclear when considering an examination or assessment that is not timed or invigilated. There was a strong focus in respondents' comments on formative assessments and other non-traditional methods.
- 1.9 Others called attention to a perceived lack of clarity around vocational qualifications (VQs) and workplace assessments, feeling that the current guidelines of 'Dedicated Assessment' are more directed towards academic studies.
- 1.10 Among those who agreed, some stated that although they feel the proposed definition of 'Dedicated Assessment' is clear and appropriate for invigilated and timed assessments, there could be more clarity provided for other forms, like work-based assessments.

Question 4

- 1.11 Respondents to the consultation were asked if they had any further comments on the three components of Total Qualification Time (TQT), such as other parts of learning time or activities that they would expect the definitions to cover.
- 1.12 Mentions were made about seeking clarity on where work experience and vocational qualifications fit into the TQT model. Other respondents maintained that there should be more differentiation made between traditional studies and work experience. Respondents argued that the definitions of the three components of Total Qualification Time are too strict and do not leave necessary opportunity for exceptions to be made.
- 1.13 Conversely, some stakeholders expressed their approval or simply indicated that they feel the three components of TQT are reasonable, sensible, appropriate, etc.

General Conditions

Question 5

- 1.14 Question 5 in the consultation referred to the General Conditions that Ofqual has proposed. A theme that emerged was that the language used in the General Conditions was not always clear to non-legally trained individuals. Several respondents related this point specifically and to the language used in E7.1 (b).
- 1.15 Another key theme was the sentiment that the TQT requirements would be demanding for AOs to comply with and would have a significant impact upon the resources AOs need to apply. With relation to the impact on resources, specific reference was made by a small number of respondents, including the FAB response, to the General Condition E7.2 and the inference that Ofqual can alter the TQT criteria and if this happens updates would then need to be made by AOs. This was considered to further increase the burden on AOs.

Statutory Guidance

Question 6

- 1.16 Question 6 in the consultation referred to the consideration that Ofqual will give to writing statutory Guidance which will provide AOs with further information about the proposed General Condition E7. A key theme that emerged from the comments was that Guidance should provide information on the amount and type of evidence required to support the calculation of learning hours. A related theme expressed by respondents about the nature of the Guidance was that it should provide scenarios and worked examples to guide organisations through the process.
- 1.17 The response provided by the FAB outlined a series of positive and negative indicators of compliance with the proposed General Condition E7. These responses were repeated by a number of other individual awarding organisations and provide the main bulk of the responses received with regards to suggested positive and negative indicators (see page 26).

Criteria

Question 7

- 1.18 The consultation document sought respondent views on the draft Criteria that would give effect to Ofqual's proposals. A strong theme that emerged within the responses received from AOs related to the need to clarify whether relevance should be determined if a qualification was intended for use by learners covered

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by the 2008 Act or whether there is a possibility that any learner taking the qualification may be covered by the Act.

- 1.19 It was also argued that in the Criteria, *if* the intended use of the qualification for RPA purposes versus the possible use of the qualification for RPA purposes was unclear that this may cause an unnecessary burden on AOs.

Question 8

- 1.20 There was overall agreement (55%) that the Criteria document will help awarding organisations in making the required determination of a qualification's relevance for 2008 Act purposes.
- 1.21 Further guidance was also mentioned as something which would aid the decision making process and assist with compliance. Specific mention of what might be deemed to be "reasonable steps" required of AOs and the types of information needed were also raised.
- 1.22 Among those who gave negative answers (either disagree or strongly disagree), reservations tended to be quite specific in nature with little consensus. However, one theme which was mentioned more than once is that the proposed Criteria could be considered too prescriptive.

Question 9

- 1.23 Question 9 within the consultation asked respondents for other methods to consider when calculating values. The requirement that awarding organisations are expected to assign the lowest number of hours to a qualification is a point which is made within a number of responses. The most common manifestation of this objection concerned the route taken for a particular course of study. However, in addition to the routing for individual courses, the lowest number of hours was also linked to learning ability / stage of learning.

Question 10

- 1.24 There was a lack of consensus in relation to the helpfulness of the Criteria document. A small majority (52%) disagreed that the Criteria document will help awarding organisations in calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment.
- 1.25 A perceived lack of clarity about requirements, including which activities should be classed under which area, was a main theme amongst the reasons for disagreeing that the Criteria document will be helpful. In addition to concerns over lack of clarity, a perception of additional workload for awarding organisations was also raised.

Question 11

- 1.26 Question 11 within the consultation related to the proposed wording of the new draft criteria. Initial reaction to the proposed wording of the new draft Criteria was broadly skewed towards the sentiment that the language is too complicated and therefore not particularly user friendly. A recurring criticism is that the language should be less 'legalese' in style and that by changing this aspect, it would greatly aid comprehension.
- 1.27 Feedback on which sections are particularly clear and helpful is relatively limited. However, out of those who did comment, a noticeable number indicated that they would find it difficult to make a judgement without working through the Criteria or having to undertake an exercise to produce a definitive answer.
- 1.28 When asked to what extent the new Criteria will help awarding organisations make the required determinations, the response is relatively mixed. A noticeable theme to emerge is that the benefits or otherwise can only really be assessed in practice. In common with other points within the consultation, the point was made that the adoption of the Criteria are likely to give rise to increased bureaucracy and costs.

Implications for Credit values for qualifications

Question 12

- 1.29 The consultation asked to what extent respondents felt "Ofqual's proposals would have no impact on Credit values, unless the awarding organisation establishes that its previous estimate of the size of a qualification needs to be changed". Most respondents (57%) agreed with this statement.
- 1.30 Some respondents who agreed with the statement stated this was because they did not think previous estimates of size would need to be revised. Because previous estimates of size were calculated in a similar way to that proposed.
- 1.31 Those who disagreed believed the new method would result in significant changes and that retrospectively changing credits based on a new system would not be fair.

Transition period

Question 13

- 1.32 Ofqual consulted with respondents on what they feel would be a reasonable length of time after the introduction of a new approach for an awarding organisation to evaluate the three components of TQT for its qualifications.

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- 1.33 A significant proportion of stakeholders argued that 12 months would not be a sufficient length of time for this evaluation to take place. They often suggested that a minimum of two years would be more reasonable.
- 1.34 Reasons for believing that 12 months is insufficient included allowing AOs time to review and republish their qualification specifications, pilot a 'test year' with a small number of AOs, allocate resources, consult with end users, evaluate funding, conduct training, and ensure conditions and audits are in place.
- 1.35 The Federation of Awarding Bodies (FAB) has recommended that the evaluation of the three components of Total Qualification Time (TQT) should be carried out in a staged approach. They feel that 12 months is unreasonable and suggest that the implementation of three phases would allow for a smoother transition.

Equality analysis

Question 14

- 1.36 Respondents were asked to consider the impact of the proposals on people who share particular protected characteristics and highlight any specific positive or negative impacts.
- 1.37 Two common and related themes emerged within the comments. Firstly a number of respondents, AOs in the main, stated that learners with any protected characteristic may not have the profile of a 'typical learner'. Respondents also argued that students with learning difficulties may be likely to find it difficult to understand how much time they need to dedicate to a qualification. This was considered to be a particular issue for this group as respondents argued students with learning difficulties would need more time than the values in the TQT.
- 1.38 In relation to the disadvantage that 'non typical' learners may face, respondents argued that AOs should be allowed to develop additional statements that explain that values in the TQT are estimates and may vary for different types of learners. Related comments also referenced that Ofqual should allow AOs to report a range of values within aspects of TQT to manage or reduce potential impacts.

Regulatory impact

Question 15

- 1.39 Respondents were asked to outline what positive or negative regulatory impacts Ofqual should consider in relation to these proposals. The strongest theme

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amongst the comments referred to the negative regulatory impact the proposals would have on the resources and workloads of AOs. While reform was supported, caution was raised that Ofqual should not over-burden the sector and ensure change happens at a more measured pace.

- 1.40 A noticeable number of respondents (10) mentioned that the regulatory impact of the proposals would be seen in the form of increased costs (due to additional resources, systems and meetings etc. needed). It was argued that these additional costs and resources needed would divert resources from other activities such as innovation. Respondents believed this may then stifle new qualification development, affect quality and ultimately additional costs would be passed onto the end user.
- 1.41 When asked to suggest how any negative regulatory impacts could be reduced or managed, respondents argued that a clear plan of the regulatory changes should be published which identifies the impacts upon AOs. Secondly, another repeated point was the need for analysis of the impacts of the proposed changes on AOs to take place so that AOs could have a better understanding of the risks presented by the proposals.
- 1.42 A third theme amongst the responses was that negative regulatory impacts could be managed or reduced through considering the timescales for change and allowing a reasonable time for change.

Consultation context and overview

Introduction

1.43 This Ofqual consultation focused on how an awarding organisation should:

- decide whether a qualification is, or is likely to be, used by persons in work in England aged 16 or 17 to help them meet their legal duties to participate in relevant education or training; and
- calculate and describe the time students will typically need to spend undertaking certain activities when studying for a qualification

1.44 Ofqual consulted on a new approach to how the size¹ of a qualification is estimated because:

- Ofqual and the AOs they regulate are subject to relevant statutory duties in relation to the Government's Raising the Participation Age (RPA) policy;²
- existing estimates made by awarding organisations and expressed as guided learning hours (GLH) have not always been based on a common approach and in some cases are thought to be excessive; and
- Ofqual are proposing changes to how they regulate qualifications designed to meet the Qualifications and Credit Framework (QCF) regulatory arrangements. The QCF regulations require awarding organisations to determine Credit values for their qualifications as a measure of size. Ofqual consider it important that Credit values can continue to be developed for qualifications. Any such Credit values need to be robust and consistent across awarding organisations.

1.45 Ofqual has a duty to publish criteria that an AO must apply when it decides whether a qualification is likely to be used by 16 or 17 year olds in England who are in work and who need to discharge their statutory 'duty to participate' in relevant education or training; and how, if so, it must assign hours of guided learning to that qualification. Ofqual will then regulate how awarding

¹ In the consultation, when 'size' was mentioned this referred to the time that students will typically need to spend undertaking certain activities when studying for a qualification.

² Education and Skills Act 2008 and Apprenticeships, Skills, Children and Learning Act 2009

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organisations discharge their duties over estimating what at present are known widely as 'guided learning hours' (GLH).

Consultation method and respondent profile

1. Respondents were encouraged to submit their response to the consultation questions online or to submit via hard copy/email. In total 45 individuals and organisations responded to the online consultation, together with a further 57 MS Word versions of the online survey received by Ofqual. Each of the 57 MS Word versions of the online survey were entered into a final dataset for analysis, giving a final response of 102.
2. A further 7 written submissions were received by Ofqual which did not conform to the online structure but have been reviewed and included in the text analysis.
3. The opening section of the consultation asked respondents to categorise themselves as to whether they were providing an 'official response from the organisation you represent' or whether the response was a 'personal view'. Following this categorisation, respondents were asked to classify themselves further using several questions on their personal and organisational characteristics.
4. This categorisation was used as the basis of sub-groups by which the responses to the consultation have been analysed. The final decision on the make-up of these classifications was made by Ofqual and the table overleaf shows how the responses have been categorised for analysis purposes.

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Figure 1: Responses by stakeholder categories (exclusive of hard copy written responses)

Respondent type	Number of responses	Percentage
Personal responses	10	10%
Teacher	3	
Educational specialist	2	
General public	3	
Organisational responses	90	88%
Awarding organisation	74	
Other representative group or interest group	10	
Private training provider	1	
Local Authority	1	
School/college	3	
Total	102	

Please note that the sub groups do not add up to the total number as two respondents did not provide data for the groups/sub groups.

- Alongside the online consultation Ofqual held two stakeholder events. These events were an opportunity for awarding organisations to discuss the details of the proposals. The outputs of these workshop discussions were not formal consultation responses and therefore have not been analysed in this report.

Guidance on analysis

6. The closed questions are presented in tables with the frequencies of responses against each answer. The tables use the respondent categorisation set out in figure 1 to present the findings cross-tabulated with respondent category.
7. Due to the small number of responses in certain groupings the data has been analysed by the following groupings:
 - Personal view (10)
 - Organisational view (88)
 - Awarding organisation (74)
 - Other representative group or interest group (10)
 - Other organisation [School/college, LA, training provider] (5)
 - Total (102)
8. The number of respondents within some stakeholder categories is very low. Given this, it is potentially misleading in a consultation with this number of responses to display the results as percentages so simple frequency counts have been used and percentages only provided for the total sample.
9. Respondents were also able to report which nation they were from. A large number of respondents who completed MS Word versions of the consultation selected more than one nation. Within the online consultation respondents were only allowed to select one nation, therefore it would have been misleading to input the nation into the data file.
10. Given the dominance of responses from AOs to the overall sample (73% of all responses) caution is also advised in interpreting the top line percentage sample figures. The analysis has been approached in a more qualitative way given the small number of respondents in each group. These views cannot be analysed or seen as representative of these groups as a whole.
11. The consultation included five closed questions which had invitations to explain why respondents answered the closed connected question in a particular way. Four of the questions were open questions with a secondary open ended follow up to further investigate the initial question focus and therefore need to be analysed together. Six questions were stand-alone open ended in format.

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12. The open ended responses to all questions elicited varied responses, ranging from generalised comments about the propositions, to comments about specific detail of the proposals. All comments were analysed in a very similar way, with each response read and the theme of the comments categorised but without formal coding. These responses were then analysed on a thematic basis by noting the themes of each response to highlight differences and trends in opinion between and within the respondent types.
13. The written submissions received outside of the online consultation were catalogued into a thematic grid and each response analysed for the key themes emerging from them. The purpose of this report is to summarise the strength of opinion received in response to the key consultation questions. The summary report cannot reflect every level of detail of all the responses.

Consultation analysis

14. The main section of the report provides an analysis of the responses received to the online consultation and takes into account the views expressed via separate written submissions.
15. The report is structured around each question within the consultation and provides an analysis of the quantitative data broken down by each stakeholder category. Where relevant the report provides further explanation of these responses through an analysis of the qualitative responses received.

A new approach to size

Estimating the size of qualifications – Total Qualification Time

Question 1

16. **Ofqual began the consultation by asking if there are any activities where respondents would be in doubt as to whether the activities should be included in ‘Guided Learning’. Many respondents identified areas where they would appreciate clarity, and several key themes can be recognised in the 83 responses received to this question the online consultation.**
17. **Online learning and e-learning** were frequently mentioned as activities that should perhaps not be considered as ‘Guided Learning’. Many respondents (18) were unsure whether having a **live online supervisor** would qualify while a small number (three) were more forthright and stated that even in that circumstance, the activity should not count. Consistently, respondents indicated that they were looking for clarity on when online studies would be included in ‘Guided Learning’, as they seemed to feel the lines were blurred in this context.

‘Queries around E-learning where most of it is unguided as per the definition. For examples asking questions online and tutors responding.’

Awarding organisation: ISMM

‘It is also not clear whether the Guided Learning definition includes online learning where learners are following instruction through, for example, a webinar. If this is done in real time, with the tutor theoretically able to respond to direct questions then this seems to fit within the guided learning definition. However, if a webinar is pre-recorded, which category will this be defined within?’

Awarding organisation: apt awards

‘The definition reflects a very old-fashioned view of learning and ignores the widespread use of e-learning and other forms of structured learning which is undertaken without the “immediate guidance” of a tutor.’

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Awarding organisation: Institute of Leadership & Management

18. Another important theme identified centred on **work experience** and **practical activities**, many respondents (23) indicated they are unsure of when, if ever, these may be considered 'Guided Learning'. It was commonly implied that **vocational qualifications**, which are delivered in different ways (such as not in a classroom environment and by more than one person) , should therefore be defined more explicitly in the context of 'Guided Learning'.

'Whilst it is easy to see how Guided Learning in this context can be measured in a traditional classroom taught qualification, it is not clear how this applies to work-related qualifications where the focus is on the development of practical skills. The difference between Directed Study and Guided Learning is unclear for situations where learners may be working on individual projects within the same room, such as the creation of a piece of furniture. If the tutor stays in the room, is this Guided Learning, and if they leave the room, does this now become Directed Study?'

Awarding organisation: apt awards

'It is unclear where work based assessment both formative and summative should be.'

Awarding organisation: PAA\VQ-SET

'The definitions will be hard to apply to vocational qualifications which are not based on teaching in a classroom. The definition of Guided Learning includes "teaching in the workplace", the consultation document includes "learning in the workplace (that is, work experience)" as an example of Directed Study, although it is not listed in the definition.'

Awarding organisation: City & Guilds

19. Furthermore, **passive supervision** has been mentioned by numerous respondents (11) in reference to whether or not it should be included in 'Guided Learning'. Responses referred to instances such as, supervised study periods and formal assessments where a tutor, examiner, **invigilator** or technician is present and available for support, but is not necessarily interacting with the students.

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‘In this context it should relate to activities where there are interventions only and not where the learners are passively supervised only.’

Awarding organisation: Open Awards

‘Graded examinations are assessed by a visiting examiner who is not an invigilator but who is also not the learner’s teacher, tutor or has any involvement with the delivery of the qualification. It is therefore unclear as to whether this should be part of GLH or DAS.’

Awarding organisation: International Dance Teachers Association

‘The exclusion of time being assessed without immediate feedback (invigilation) is unnecessary and then requires a third type of hour. It would be simpler to include it [in the definition of GLH].’

Other organisation: Association of School and College Leaders

20. **Induction** is a related activity that has also been called into question. It has been suggested that if students do not have direct access to a tutor to answer questions and provide information, it should not qualify.

‘HABC feel that there is inconsistency across awarding organisations in relation to what categorises as induction activity and where this fits in guided learning.’

Awarding organisation: Highfield Awarding Body for Compliance

Question 2

21. **Ofqual presented respondents of the consultation with a statement: “The proposed definition of ‘Directed Study’ is clear and appropriate.” Respondents were asked to state their view on this and then justify their reasoning. The majority of respondents (62%) disagreed that the proposed definition of ‘Directed Study’ is clear and appropriate.**
22. Overall, 28 respondents agreed and 60 respondents disagreed with the statement. There were also 11 respondents who indicated they neither agree nor disagree.

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Figure 2: “The proposed definition of ‘Directed Study’ is clear and appropriate.” What is your view of this statement? (Q2)

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total
Personal responses	0	3	0	5	2	10
Organisational responses	3	21	10	49	4	87
Awarding organisation	2	15	8	43	4	72
Other representative body or interest group	0	3	2	5	0	10
Other organisation [School/college, LA, training provider]	1	3	0	0	0	4
Total (n)	3	25	11	54	6	99
Total %	3%	25%	10%	56%	6%	

23. In total 84 respondents provided reasons for their answer to question two. Among those who disagreed that the proposed definition of ‘Directed Study’ is clear and appropriate (who represent the majority), a significant proportion (26) commented on a lack of clarity in the context of **work experience, on-the-job training**, and **practical skill development**. Stakeholders questioned whether work experience counts as ‘Directed Study’, but most argued that it should rightly be included within the scope of the definition.

‘It is unclear as to whether assessment of practical skills and knowledge fits within the definition for Directed Study or Dedicated Assessment.’

Awarding organisation: GQA Qualifications Ltd

‘The definition of Guided Learning includes “teaching in the workplace” and the consultation document includes “learning in

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the workplace (that is, work experience)” as an example of Directed Study. This is confusing and for some vocational qualifications it should be noted that there is no strict divide between teaching and learning in the workplace.’

Awarding organisation: City & Guilds

‘The title does not accurately reflect the definition statement and is not inclusive of all learning. The tile should be 'Directed Learning' as the definition rightly includes development and practice of workplace skills. 'Study' implies cognitive development only.’

Awarding organisation: PIABC

24. Many respondents (16) in disagreement also stated that they feel the **lines are blurred** between ‘Directed Study’ and other categories, ‘Guided Learning’ in particular.

‘It is not clear, particularly within work-based qualifications, where Guided Learning stops and Directed Study starts.’

Awarding organisation: apt awards

‘What is the difference between Directed Study and GL - it seems very unclear. Does this include: e-learning - a mandatory element and level of contribution which is monitored to ensure it’s achieved by the learner. Directed practice, Mandatory reading, self study or private study or private practice time, revision time, time spent on reflective journals - it seems appropriate that these are included but is that Ofqual’s intention?’

Awarding organisation: Quallsafe Awards

‘The proposed definition of ‘Directed Study’ is not clear, particularly in regards to the reference to assessment in Directed Study and in Guided Learning. The definition needs to more clearly define what is meant by assessment as it could be construed that assessment is counted twice.’

Other organisation: Scottish Qualifications Authority, Accreditation

25. Conversely, among respondents who agreed that the proposed definition of ‘Directed Study’ is clear and appropriate, a few (three) acknowledged the

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flexibility of the term or accepted that there may always be **ambiguity** and grey areas.

‘There are always going to be grey areas. A judgement will be needed. The whole notion of guided learning is inexact when dealing with individuals. It will inevitably be a reasonable average.’

Organisational response: TLM

Question 3

26. **The next part of the consultation focussed on the proposed definition of ‘Dedicated Assessment’. Ofqual presented respondents with the statement: “The proposed definition of ‘Dedicated Assessment’ is clear and appropriate.” A small majority of respondents (54%) disagreed with this statement.**

27. Overall, 35 respondents agreed and 54 respondents disagreed with the statement. There were also 10 people who indicated they neither agree nor disagree.

Figure 3: “The proposed definition of ‘Dedicated Assessment’ is clear and appropriate.” What is your view of this statement? (Q3)

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total
Personal responses	1	1	0	5	3	10
Organisational responses	6	26	10	38	7	87
Awarding organisation	4	19	10	32	7	72
Other representative body or interest group	1	4	0	5	0	10
Other organisation [School/college, LA, training provider]	1	3	0	0	0	4
Total (n)	7	28	10	44	10	99

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Total %	7%	28%	10%	44%	10%
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28. A small majority disagreed with this statement, indicating that the proposed definition of ‘Dedicated Assessment’ is *not* clear and appropriate. In total 74 respondents provided reasons for their answer to question three. Many (21) felt that it was particularly unclear when considering an examination or assessment that is **not timed** or invigilated. There was a strong focus in respondents’ comments on **formative assessments** and other non-traditional methods, and some (eight) indicated they feel the definition of ‘Dedicated Assessment’ is **too narrow**.

‘Graded examination assessments are not invigilated but they are examined under controlled conditions by a visiting examiner. It is unclear as to whether these should be seen as part of GLH or DAS.’

Awarding organisation: International Dance Teachers Association

‘This is clear for traditional, invigilated examination, however much less clear for different/more innovative assessment methodologies. In particular, the timed aspect is unclear.’

Awarding organisation: Laser Learning Awards

29. Respondents who disagreed that the definition of ‘Dedicated Assessment’ was clear and appropriate called attention to a perceived lack of clarity around **vocational qualifications** (VQs) and **workplace assessments**. Feeling that the current guidelines of ‘Dedicated Assessment’ are more directed towards academic studies.

‘With regards to vocational assessment not all assessment is time bound due to its practical nature.’

Awarding organisation: Lantra

‘Definition is only clear for invigilated timed exams. Most VQ assessment falls outside this for example work based task assessments.’

Awarding organisation: ISMM

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30. Among those who agreed, some (six) stated that although they feel the proposed definition of 'Dedicated Assessment' is clear and appropriate for **invigilated** and **timed assessments**, there could be more clarity provided for other forms, like work-based assessments.

'It is clear for invigilated exams but may be less clear for other methods of assessment.'

Awarding organisation: CIPS

'It is clear that this definition refers to assessments which take place under controlled conditions and which are invigilated but do not allow for direct feedback from a teacher or supervisor.'

Awarding organisation: Sports Leaders UK

Question 4

31. **Respondents to the consultation were asked if they had any further comments on the three components of Total Qualification Time (TQT), such as other parts of learning time or activities that they would expect the definitions to cover.**
32. For this question, there were a wide variety of suggestions put forward, but several key themes emerged in the 83 responses received to this question the online consultation.
33. Firstly, many (12) mentions were made about seeking clarity on where **work experience or work-based learning** and **vocational qualifications** fit into the TQT model. This is consistent with themes identified throughout earlier questions in this consultation.

'Workplace assessment, which is not invigilated and the assessor does not "guide" the learner, is an essential part of the process for such qualifications and should not be outside the calculations for credit.'

Awarding organisation: GQA Qualifications Ltd

'Our main comment is 'why is all of this necessary for the vocational qualifications market?' It is really much more appropriate for schools and colleges.'

Awarding organisation: English Speaking Board

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34. Further, respondents maintained that there should be **more differentiation** made between traditional studies and work experience.

‘It would be more meaningful if Total Qualification Time could be separated into Study Time and Work Experience Time. Study Time would comprise the three suggested components of Guided Learning, Directed Study and Dedicated Assessment. There does not appear to be any need to break down Work Experience further.’

Personal view: Director, Network Exams

35. Many respondents (18) argued that the **definitions** of the three components of Total Qualification Time are too strict and do not leave necessary opportunity for **exceptions** to be made. A wide variety of these types of exceptions were suggested, including variability in learning times, age category, and the ways by which awarding organisations define specific activities.

‘All measures of time are specified as being for a “normal learner”. This concept is not defined and this will inevitably lead to subjectivity in interpretation.’

Awarding organisation: NCC Education

‘Unfortunately you start from a wrong premise regarding the value and use of the current GLH/credit values. Would an AO have to calculate qualification based on the time for the average 16 yo. even if the qualification was to be primarily used by older people?’

Personal view: Consultant

‘This also begs the question that if a learner completes all the GL and DSH, but does not take the “dedicated” assessment, could they claim and be awarded credit? Presumably not the intention, but has this been considered?’

Personal view: Chair of Board of Trustees of Laser Awards

36. Further, comments were made about the need to address the variety of **delivery methods** and **learning arrangements** employed in the education system, including distance learning and e-learning.

‘How will this apply to online assessment?’

Awarding organisation

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'I think there should be a formally stated recognition of variability in taught, study and assessment time, otherwise the definitions will be used by awarding bodies to create frameworks which force schools to adopt specific timetables for specific amounts of time for each course.'

Personal view: Principal

37. There were also many responses (12) identifying a lack of clarity around **revision** and **induction**, and these are points supported by the Federation of Awarding Bodies (FAB).

'Induction and revision are areas that require clarification in terms of whether they should be counted within TQT and, if so, in which element.'

Organisational response: FAB

'Clarification as to whether and/or where, tutorials, inductions, and support from teaching assistants count within TQT.'

Awarding organisation: IMI Awards Ltd

38. Conversely, a small number of stakeholders (three) expressed their **approval** or simply indicated that they feel the three components of TQT are reasonable, sensible, appropriate, etc.

'The three components of Total Qualification Time are appropriate in our view and should allow schools, colleges and work placements/employers a clear view of what time and resource requirements are needed for school, college and specific work related opportunities.'

Local Authority: Bucks Learning Trust on behalf of the Buckinghamshire County Council

'This is welcome development and reflects the growing diversification in the way students can conduct their learning and the ways they can submit evidence of their competencies, knowledge and skills. It also reflects the profound effect learning technologies has had on the ability of students to increase their ability to manage more of their own learning and its administration.'

Personal view: FE Teacher & e-learning Advisor

Regulation

General Conditions

Question 5

39. Question 5 in the consultation referred to the General Conditions that Ofqual has proposed. These conditions were provided in full in appendix B of the consultation document and respondents were asked three open ended questions about the proposed General Conditions, these were:

Do you have any comments about our proposed General Conditions?

Which paragraphs are clear and helpful? Why?

Which paragraphs do you feel need to be clearer? Why?

40. Eighty one respondents provided comments about the proposed General Conditions with 41 responses provided in relation to which paragraphs are clear and helpful and 51 responses received on which paragraphs need to be clearer.
41. An analysis of the comments provided to these questions has produced the following themes. Starting with the overarching comments, a theme that emerged was that the **language used in the General Conditions was not always clear to non-legally trained individuals**, which many users may be. This was a view put forward by the AOs who responded.
42. A small number (two) of the comments related to this were offered as a general description of how the General Conditions are presented, as this example highlights:

‘The General Conditions are written at a high level, which are not always clear to a non-legally trained individual.’

Awarding Organisation: Trinity College London

43. However, more of the comments (four) about the ability of non-legally trained individuals to understand the General Conditions related to specific parts of the conditions, with section E7.1 (b) mentioned in particular.
44. The assumption here was that the phrase ‘in making this determination’ implied that AOs would be making the decision regarding RPA relevance and they must apply the TQT criteria.

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45. Respondents also commented that E7.1 (b) implied that the TQT criteria need only be applied once an AO has determined that a qualification is relevant for 2008 Act purposes. These were assumptions mentioned by several respondents and they **argued that the language should be clearer in relation to E7.1 (b):**

‘E7.1 (b) – the language ‘in making that determination’ is not helpful here as it implies that as AOs are making the decision regarding RPA relevance they must apply the TQT criteria. We assume that this Condition is intended to require that the TQT criteria need only be applied once an AO has determined that a qualification is relevant for 2008 Act purposes.’

Awarding organisations (various)

‘We are sure that to legally trained individuals the current language is clear but it is potentially misleading to a non-legally trained reader. Given that it is AOs and not legal experts who are the target audience for this Condition we would hope to see an amendment to this in the final version of the Condition.’

Awarding organisations (various)

46. A second theme that emerged from the comments was that the TQT requirements would be demanding for AOs to comply with and would **have a significant impact upon the resources AOs need to apply.**

‘Very demanding for AOs, particularly for qualifications with small take up.’

Personal view: Educational specialist

47. With relation to the impact on resources, specific reference was made by a small number of respondents (six), including the FAB response, to the General Condition E7.2. In particular the statement that **Ofqual can alter the TQT criteria and if this happens updates would then need to be made by AOs**, this was considered to be further increasing the burden on AOs:

‘The requirement to review TQT in line with any updates made by Ofqual also provides for AOs to have to review and update some or all of their qualifications on a regular basis, if changes are made on this basis, and will involve updates to qualifications documents.’

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This could have a significant impact on AOs' time, and it would be helpful for Ofqual to develop some guidance regarding timescales within which AOs would be expected to make the relevant updates.'

Awarding Organisation: CABWI Awarding Body

'Condition E7.2 would be unmanageable and resource intensive for AOs as we would need to re-evaluate qualification TQT whenever Ofqual makes changes, and, in turn, revise all marketing and supporting materials related to the qualification.'

Awarding Organisation: ABMA Education Ltd

48. While not a common theme, AQA took this view further and questioned the need for gathering and providing evidence of a qualification's relevance. AQA argued it 'seems unnecessary to determine a qualification's relevance when the only effect of this is to require the AO to determine the TQT for a given qualification'. Instead AQA suggested evidence should be gathered and provided as to why a qualification is *not* relevant for the 2008 Act.

We propose instead that awarding organisations should be required to gather and provide evidence as to why a qualification is not relevant for the purposes of the 2008 Act, in the event that the awarding organisation wishes not to determine TQT for that qualification. This would dramatically reduce the bureaucratic burden on awarding organisations, while continuing to ensure that this provision of the 2008 and 2009 Acts is complied with.

Awarding Organisation: AQA

49. A further theme that emerged within the comments related to **the need for AOs to provide 'appropriate evidence' to support the calculation of learning hours**. Particular concerns were raised that this would be difficult for 'higher level qualifications' which can be based upon smaller cohorts of learners. As the following quote highlights:

'Whilst in some qualifications the calculation of guided learning can be easily calculated, for particularly higher level qualifications the level of directed study (or self-directed study) can be much more difficult to quantify and based on a much smaller cohort of

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learners with sometimes very different learning styles and methods.'

Awarding Organisation: Imperial Society of Teachers of Dancing

50. A number of comments (five) did though conclude that the General Conditions were **clear and reasonable**.

'The General Conditions seem clear and reasonable'.

Awarding Organisation: Chartered Institute for Securities & Investment

51. Where comments referred to specific aspects of the General Conditions that were clear and helpful. With many other respondents not offering a response or referring to previous comments on the content.
52. In the small number of cases where specific references were made paragraphs E7.1, E7.2, E7.10 and E7.11 were referenced as being particularly clear and helpful to AOs.

Guidance

Question 6

53. Question 6 in the consultation referred to consideration that Ofqual will give to writing Guidance which will provide AOs with further information about the proposed General Condition E7. The purpose of the Guidance would be to help AOs determine which qualifications are relevant for 2008 Act purposes, or how hours of TQT must be assigned.
54. The consultation document sought views on what information would be helpful to include in any Guidance, if this was produced. The consultation question was:

What Guidance would be most helpful to you in relation to the proposed General Condition E7? Why is this? You may wish to consider what might be positive and negative indicators of compliance with the proposed General Condition.

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55. An analysis of the comments from the 85 respondents who provided them produced the following themes around the content of any guidance and the style in which it might be delivered.
56. A key theme that emerged from the comments was that Guidance should provide information on the **amount and type of evidence required to support the calculation of learning hours**. This was a view offered by a range of different AOs (six) and reflected in the FAB response. The following is an example of the nature of these comments:

‘Guidance would be helpful in relation to the amount and type of evidence required to justify...the calculation of learning hours, drawing on a range of qualifications rather than the usual suspects of GCSE/A level etc.’

Awarding organisation: Rockschool Ltd

57. A related theme picked up by respondents on the nature of the Guidance was that it should **provide scenarios and worked examples** to guide organisations through the process.

‘Guidance, with examples, as to what is, and what isn’t, a qualification relevant for RPA purposes, and the evidence expected, again with examples.’

Awarding organisation: apt awards

58. The response provided by the FAB **outlined a series of positive and negative indicators of compliance with the proposed General Condition**. These responses were repeated by a number of other individual AOs and provide the main bulk of the responses received with regards to suggested positive and negative indicators.

59. These have been repeated below to summarise the comments received:

‘Positive Indicators could therefore include:

- The AO has clear systems and procedures in place for determining the relevance of each regulated qualification that it offers for 2008 Act purposes.
- The AO has followed their procedures and has made such a determination for each regulated qualification which it offers.

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- There is suitable evidence to support the decision made by the AO in relation to the determination of the relevance of each regulated qualification it offers for 2008 Act purposes.
- There is a clear plan in place for the review of the determination of relevance for 2008 Act purposes and a clear understanding of when an earlier review may be required.
- There is a clear communication in the specification for each qualification relating to the qualification's relevance for 2008 Act purposes.
- A TQT value and values for the elements that contribute to TQT have been assigned to all relevant qualifications.
- There are systems, processes and checks in place to ensure that, where a qualification is not relevant for 2008 Act purposes, learner of the appropriate ages are not able to register for that qualification.
- There is a process for users of the qualification to feedback their views of the determination and provide evidence for consideration in any future review of the relevance of a qualification for 2008 Act purposes.

Negative Indicators could include:

- Incorrect determinations in relation to relevance for 2008 Act purposes have been made for some or all of the qualifications that an AO awards.
- The review schedule has not been followed and determinations have not been updated accordingly.
- A review of the determination related to one or more qualification that has been required by Ofqual has not been carried out.
- All elements of TQT have not been assigned to a qualification that is relevant for 2008 Act purposes.
- An element of TQT has been assigned to a qualification that is not relevant for 2008 Act purposes but values have not been assigned for all elements of TQT.
- Learners covered by the requirements of the 2008 Act have achieved a qualification that has been determined as not relevant for 2008 Act purposes.
- The determination of a qualification's relevance (or not) has been based on flawed evidence or assumption'

Other representative body: Federation of Awarding Organisations

Criteria

Question 7

60. The consultation document sought respondent views on the draft Criteria that would give effect to Ofqual's proposals. The proposed Criteria were presented in full in Appendix B of the consultation document, respondents were asked:

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Is there anything else we should reasonably expect an awarding organisation to consider when determining a qualification's relevance for the Raising the Participation Age policy (relevance 'for 2008 Act purposes')?

61. In total 63 respondents provided comments to this question. A strong theme within the responses received from AOs related to the need to clarify whether relevance should be determined on **whether a qualification was intended for use by learners covered by the 2008 Act** or whether there is a **possibility that any learner taking the qualification may be covered by the Act**.
62. This was a common theme in around 20% (14) of the responses received. A number of responses used the same language to articulate this point, mirroring the FAB response, as highlighted in the response below:

'AOs would find it useful to have clarification of whether a qualifications relevance for 2008 Act purposes should be based on whether the AO intends the qualification to be used by learners covered by the 2008 Act or whether it must be determined as being relevant if there is any possibility whatsoever that a learner of those ages could in theory take the qualification. If an AO does not intend a qualification to be used for 2008 Act purposes and their data shows that no one of the relevant ages has ever been registered for it, will this be viewed as sufficient evidence upon which to base a determination that it is not relevant?'

Awarding Organisations (various)

63. It was also argued that if the intended use of the qualification for RPA purposes versus the possible use of the qualification for RPA purposes isn't clear in the Criteria that this **may cause an unnecessary burden on AOs**. One AO commented that:

'We would hope that Ofqual will not impose a regulatory system "on the off chance" that something might be the case. For example, it would be disproportionate for us to survey all FE colleges in England, just in case they might enter one of their employed learners on one of our courses. And it would be disproportionate for Ofqual to expect an awarding organisation such as ours to be surveying for all of our registered qualifications,

when there might be only a handful of such learners in one year and none in succeeding years.'

Awarding organisation: Cambridge International Examinations

64. While only mentioned by three respondents, a further theme that emerged within the comments was that Ofqual should expect an AO to **focus on the benefit / relevance of the qualification to the individual now and in later life** when determining a qualification's relevance for the Raising the Participation Age policy. The following two quotes reflect the small number of responses that made this point:

'How it will benefit the learner - will it be for a particular skill for a particular role or will it be useful across a number of roles.'

Awarding organisation: ISMM

'Relevance should relate to what is most appropriate in meeting the needs and serving the interests of the particular age group, rather than conforming to what many people will view as a fairly artificial and bureaucratic set of standards.'

Other representative or interest group: VOICE

Question 8

65. **The consultation asked respondents their view on the Criteria document, using the following statement: "The Criteria document will help AO in making the required determination of a qualification's relevance for 2008 Act purposes." There was overall *agreement* (55%) that the Criteria document will help AOs in making the required determination of a qualification's relevance for 2008 Act purposes.**
66. Half (50%) said that they agreed with the statement with a further five per cent saying that they strongly agreed. Just under two in 10 (19%) said that they either disagreed or strongly disagreed.

Figure 4: The Criteria document will help awarding organisations in making the required determination of a qualification's relevance for 2008 Act purposes." What is your view of this statement? (Q8)

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	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total
Personal views	0	1	6	2	0	9
Official response from an organisation/group	5	45	19	12	3	84
Awarding organisation	2	39	16	10	3	70
Other representative group or interest group	2	5	1	1	0	9
Other organisation [School/college, LA, training provider]	1	1	2	1	0	5
Total (n)	5	47	25	15	3	96
Total %	5%	50%	26%	16%	3%	

67. Respondents were asked to give reasons for their answers as to whether the Criteria document will help AOs in making the required determination of a qualification's relevance for 2008 Act purposes. In total 75 respondents provided reasons for their answer. Those who gave positive answers (either agree or strongly agree) **often mentioned a positive point as well as assumptions and definitions which perhaps could be improved upon.** For example, an assumption which a specific paragraph was based upon was questioned in a number of responses.

‘The definitions are mostly based on reasonable assumptions apart from paragraph (e) which assumes an age/stage relationship between level 3 and 16-17 year olds.’

Awarding organisations (various)

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68. Further guidance was also mentioned as something which would aid the decision making process and assist with compliance. Specific mention of **what might be deemed to be “reasonable steps”** required of Awarding Organisations and the types of information needed were raised.

‘More guidance is required on what Ofqual deems to be “reasonable steps” required of Awarding Organisations and the types of information that should be included in determining the requirement. Further guidance is needed on how an AO can legitimately decide whether a qualification is not relevant for the purposes of the 2008 Act’

Awarding organisation: Engineering Construction Industry Training Board (ECITB)

‘The criterion that requires awarding organisations to take reasonable steps to gather estimates of the number of hours currently undertaken from a proportion of centres could be clarified further.’

Other representative group or interest group: CITB - Construction Industry Training Board

69. Among those who gave negative answers (either disagree or strongly disagree), reservations tended to be quite specific in nature with little consensus. However, one theme which was mentioned more than once (three respondents) is that **the proposed Criteria could be considered too prescriptive**. This tended to cover specific aspects of the Criteria such as whether it is reasonable to ask an awarding organisation to monitor the ages of learners registered on its qualifications for purposes of RPA. Others were more general such as:

‘The proposed criteria are over prescriptive and as stated in our above answers, we do not believe they support the principles-based approach to regulation.’

Awarding organisation: OCR (Oxford, Cambridge and RSA Examinations)

Question 9

70. Question 9 within the consultation asked respondents for other methods to consider when calculating values. The consultation question in full was:

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Are there other methods we should reasonably expect an awarding organisation to consider when calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment?

71. When analysing the open ended comments provided by 76 respondents to this question, it is apparent that a few themes were common. The **stipulation that AOs are required to assign the lowest number of hours to a qualification** was queried in a number of responses (11 awarding organisations). The most common concern was the **route taken for a particular course of study**:

'The idea that we also have to assign TQT to the shortest pathway available within a qualification, where a number of optional routes exist, is not realistic. This may not be the most popular route, and may steer centres towards delivering those units / modules within the shorter pathway whether right for the learners or not, as this will have an implication on funding allocation'

Awarding organisation: apt awards

'If a qualification has a route through it that is shorter than other routes and this route is the basis for the values that are assigned to the whole qualification, then this may impact on the credit value of the qualification.'

Awarding organisations (various)

72. However, in addition to the routing for individual courses, the lowest number of hours was also linked to **learning ability / stage of learning**:

'The lowest number of hours may not be the option that is most frequently followed by learners and does not therefore seem to be consistent with the requirement to base estimates on 'typical learners'.'

Awarding organisations (various)

'A student doing a GCSE in the sixth form (or adult in FE) will typically do it much faster than a Y10 pupil, because they have a different starting point in terms of skills. The OFQUAL document

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seems to omit the recognition that it is difficult to give meaningful numbers to TQT elements, unless they relate to specific starting points of student cohorts, as the hour values of the TQT elements will be very different, depending on the starting points of different types of learners.'

Personal views

73. In addition to being required to use the lowest number of hours, reservations were also expressed for the **requirement to gather information from learners** (11 from AOs and two from public comments). These concerns typically centred on practicality, accuracy and administrative impacts.

'The requirement for AOs to gather information from learners about the hours of Directed Study related to Similar Qualifications will have significant resource implications and has the potential to result in widely different estimates being provided by different learners. Learners are unlikely to understand what Directed Study does and does not include and AOs will then be in a position where they need to explain this before they can have any hope of gathering reasonable estimates. The resource implications of this for AOs are likely to be significant.'

Awarding organisations (various)

'We are very concerned about the requirement to gather information from learners about DSH, both in terms of resources required to do this (not least because learners will have no idea what DSH is and will need clear explanations and examples, are highly unlikely to have recorded time taken to do anything, and have no motivation to give accurate or honest answers to this type of question even if they can make a guess at hours spent on different activities), and therefore the validity, reliability and in turn usefulness of this information. This requirement is completely unrealistic.'

'If learner input is required this can vary greatly due to the range of learner ability and can be difficult and time consuming to collect'

Awarding organisations

74. **Flexibility to incorporate staff experience/knowledge and the professional judgement of subject experts** was a concept touched upon by a number of awarding organisations (four). It was suggested that this element of professional discretion would aid estimation of TQT components.

‘We believe that AOs should be given a great degree of flexibility in their choice of methods used to determine the above as those methods will vary from sector to sector, as long as sufficient rationale is provided to support the choice of methods for particular qualification. For example, as a significant number of our IESOL qualifications is taken as examination only, we will have to rely on professional judgement of our subject experts, as well as data available in professional literature on the subject to arrive at our estimation of the TQT components.’

Awarding organisation: *NCFE*

‘There will always be unusual cases which require some flexibility of approach. One example of this might be qualifications designed for e-learning/distance learning, where the majority of asynchronous tuition will class as DSH rather than GLH (which would include synchronous e-learning/distance learning events). Such qualifications would therefore appear to have a low proportion of GLH and a high proportion of DSH, but may well still be perfectly valid and reliable qualifications. As long as the regulators are prepared to apply common sense and flexibility this should not be a barrier under the proposed system’.

Awarding Organisation

‘Professional judgement of AO officers should be a contributory method.’

Awarding organisation: *ASDAN*

‘There is value in allowing a good deal of discretion in course design to support ideas, novel approaches and continuing

innovation. Awarding bodies should allow a degree of flexibility of say 5 or 10% either way of any proportions they allocate, leaving it to teachers to design around these softer boundaries to maximise the ability to customise programmes of study to suit a particular college or school.'

Personal views: FE Teacher & e-learning Advisor

Question 10

75. **Respondents to the consultation were asked whether the Criteria document will help awarding organisations in calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment. There was a *lack of consensus* in relation to the helpfulness of the Criteria document.**
76. A small majority (52%) disagreed (disagree or disagree strongly) that the Criteria document will help awarding organisations in calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment. This is higher than the number who agreed (27%). A further one in five (21%) neither agreed nor disagreed.

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Figure 5: “The Criteria document will help awarding organisations in calculating values for a qualification’s Guided Learning, Directed Study and Dedicated Assessment.” What is your view of this statement? (Q10)

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total
Personal views	0	1	2	0	6	9
Official response from an organisation/group	2	23	17	18	24	84
Awarding organisation	2	18	14	15	23	72
Other representative group or interest group	0	3	2	2	1	8
Other organisation [School/college, LA, training provider]	0	2	1	1	0	4
Total (n)	2	24	20	19	30	95
Total %	2%	25%	21%	20%	32%	

77. In total 80 respondents provided reasons to explain their answer to Q10. Among those who said that they agreed with the statement, there is little evidence that support is unequivocal. Most reasons contained some element of caveat or reservation.

‘On the whole Trinity agrees, but it will require careful consideration of how DSH will be established and monitored. The area of DSH is subjective and dependant on how the individual teacher’s time is spent. Therefore, this will require research and evidence as stated in the criteria to determine this.’

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Awarding organisation: Trinity College London

78. When analysing the reasoning given for those who disagreed with the statement that the Criteria document will help awarding organisations in calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment, a number of common messages can be observed. For example, a perceived **lack of clarity about requirements**, including which activities should be classed under which area. This is mentioned mostly by AOs (21) but is a point also picked up by members of the public / those expressing personal views (three).

'Furthermore, the Criteria document does not add any clarity to what activities should be included within each of the elements of TQT so will not help AOs in deciding what activities to count within each element.'

Awarding organisation: CIPS

'The criteria document does not provide clarity on the issues raised above with regards to determining guided learning hours, directed study hour or dedicated assessment time.'

Awarding organisation: *BIIAB*

79. In addition to concerns over lack of clarity, a perception of **additional workload for AOs** was also raised by a small minority (12), often in conjunction with the previous theme.

'The Criteria document does not add any clarity as to what should be included in each element of time. We have a number of concerns which have been noted above and we foresee a burdensome bureaucracy developing around the application of the Criteria.'

Awarding organisation: Future (Awards and Qualifications) Ltd

'The criteria document will place an unreasonable burden on centres and AOs and does not add any clarity to what activities should be included within each of the elements of TQT so will not help AOs in deciding what activities to count within each element.'

Awarding organisation: UAL Awarding Body

Question 11

80. Question 11 within the consultation related to the proposed wording of the draft new criteria. This section presented four opportunities for respondents to leave open comments. The text which prompted this was as follows:

What are your views on the proposed wording of the draft new Criteria?

Which paragraphs are clear and helpful? Why?

Which sections do you feel need to be clearer? Why?

To what extent will these Criteria help awarding organisations to make the required determinations?

81. In total 69 respondents provided views on the proposed wording of the draft new Criteria. Initial reaction to the proposed wording was broadly skewed towards the sentiment that the **language is too complicated** and therefore **not particularly user friendly**. A recurring criticism is that the **language should be less 'legalese' in style** and that by changing this aspect, it would greatly aid comprehension. This was mentioned most commonly by AOs (11) and also in three personal views from members of the general public.

'The wording should be considerably easier to read, clearer and generally more user friendly, and less legalese in style.'

Awarding organisation: PAA\VQ-SET

'As stated needs further clarification and user friendly language'

Awarding organisation: ISMM

82. Further suggestions to improve the proposed wording were to include **examples of expectations and requirements** within the Criteria. One contribution suggested that an addition of **a glossary would also prove helpful**.

'It would be helpful if it could be made more user friendly and include detailed examples of expectations and requirements. For

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example, use of terms such “any relevant information” and “which is reasonably available” raise more questions than provide answers.’

Awarding organisation: Engineering Construction Industry Training Board (ECITB)

‘The wording of the criteria document has sufficient detail to set out the methodology to be applied by awarding organisations, but is open to interpretation. To assist awarding organisation in its implementation a glossary of terms used could be included.’

Awarding organisation: Gateway Qualifications

83. Despite critical comments, often regarding the complexity of the language used, some (three) did find it **clear and understandable**. However, even when specific commenters found it understandable, reservations were sometimes expressed as to whether this would be the case for others.

‘It reads clearly. My only concern ever is how others can manipulate it.’

Awarding organisation

84. Feedback on which sections are particularly clear and helpful is relatively limited. However, out of those who did comment, a noticeable number (five) indicated that they would **find it difficult to make a judgement without working through the Criteria or having to undertake an exercise to produce a definitive answer**. However these respondents acknowledged that by their very nature, the Criteria are repetitive and cross referential which impacts upon clarity and levels of understanding.

‘It is difficult to make a judgement about this question without working through the criteria.’

Awarding organisations (various)

‘The Criteria are by their nature very repetitive, and cross-reference each other throughout the document. This is not the

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most user-friendly document to read, when trying to extrapolate the actual requirements for AOs, although we recognise that there may legal/regulatory constraints on the language that can be used.'

Awarding organisation: CABWI Awarding Body

85. Most criticism refers back to the general feeling that the overall style is not particularly user friendly and perhaps an overall review of the language and explanations used would be more beneficial rather than amendments of specific sections.

'The whole Criteria document would benefit from a review with the aim of rewriting it and presenting it in a more user friendly style of language.'

Awarding organisation: Quallsafe Awards

86. When asked to what extent the new Criteria will help awarding organisations make the required determinations, the response is relatively mixed. A noticeable theme to emerge from small number of respondents (four) is that the **benefits or otherwise can only really be assessed in practice**.

'This will need to be determined as organisations work through the criteria to determine TQT.'

Awarding organisations (various)

87. As mentioned in other areas of the consultation, a relatively common complaint is that **a lack of clarity** within the Criteria may impact upon determinations regarding which activities sit in which category. While there is repeating evidence of this type of criticism focusing on how helpful Criteria are in clarifying what activities should or should not be included in each element of TQT, there is a similar level of acceptance that they may however help in determining whether a qualification is relevant for 2008 Act purposes.
88. In common with other points within the consultation, the point was made that the adoption of the Criteria are likely to give rise to **increased bureaucracy and costs**.

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'Whilst the Criteria may help us to determine whether or not a qualification is relevant for the Act, we do not feel the Criteria will help us to make to required determinations of values at all, due to the lack of clarity about which activities sit within which category.

Furthermore, we are concerned as stated above that the Criteria place unreasonable burden on AOs (and centres and even learners), and that there are very significant unintended consequences which have not been understood and/or given due consideration.'

Awarding organisations (various)

Implementation

Implications for Credit values for qualifications

Question 12

89. **The consultation asked to what extent respondents felt that ‘Ofqual’s proposals would have no impact on Credit values, unless the awarding organisation establishes that its previous estimate of the size of a qualification needs to be changed’. Most respondents (57%) *agreed* with this statement.**
90. Six out of ten (57%) of respondents said they either agreed or strongly agreed with the statement while just under a third (29%) said they disagreed or strongly disagreed.

Figure 6: “Our proposals will have no impact on Credit values, unless the awarding organisation establishes that its previous estimate of the size of a qualification needs to be changed.” What is your view of this statement? (Q12)

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total
Personal views	1	0	2	5	1	9
Official response from an organisation/group	3	50	10	14	8	85
Awarding organisation	3	41	10	11	7	72
Other representative group or interest group	0	5	0	3	0	8
Other organisation [School/college, LA, training provider]	0	3	0	0	1	4
Total (n)	4	51	12	20	9	96

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Total %	4%	53%	13%	20%	9%
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1.46 In total 75 respondents provided reasons to explain why they agreed or disagreed with the statement that Ofqual’s proposals would have no impact on Credit values, unless the AO establishes that its previous estimate of the size of a qualification needs to be changed.

1.47 Some respondents who agreed with the statement stated this was for the reason that they did not think previous estimates of size would need to be revised. Because **they felt that previous estimates of size were calculated in a similar way to that proposed**. This point is mentioned by a number of different types of groups; one from an educational specialist, one from a representative group/interest group and four from AOs.

‘The proposed method for calculating qualification time does not actually differ from our current process; therefore, if this is to be the basis for determination of credits, we do not foresee this having an impact on values.’

Awarding organisation: Lifetime Awarding (LAO)

‘There seems no reason why credit values should be impacted as the proposals calculate credit using a similar process to that already in place.’

Awarding organisation: Rockschool Ltd

‘Our current processes and guidance for assigning credit value based on notional learning time in effect covers all the 3 elements that are now being suggested. We therefore do not envisage any changes in overall credit values.’

Awarding organisation: City & Guilds

91. Among those who disagreed with the statement, the opposite view to that above was raised. Evidence was presented from four respondents that the new method would result in significant changes and that **retrospectively changing credits based on a new system would not be fair**.

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‘There will be significant impact on existing credit values for qualifications when the TQT methodology is applied, as any changes to the Guided Learning and Directed Study values would affect the overall credit value of the qualification. It seems unfair to apply credit retrospectively using the TQT model to qualifications that have already been credit-valued. What additional purpose does re-crediting them serve, especially in light of the ongoing uncertainty around the future of the Credit Framework?’

Awarding organisation: NCFE

‘...some current qualifications will include Dedicated Assessment in credit, and some may not include Directed Study, and this will vary between similar qualifications. This means that we cannot assume that the application of the new definition of Total Qualification Time will not have an impact on credit.’

Awarding organisation: Pearson

92. Question 12 also contained two questions for additional opportunity to comment on other implications for Credit and further comments.

If you feel there are other implications for Credit, what are they?

Do you have any other comments?

93. Many of the comments for these last two open ended questions are unique and difficult to summarise. However one theme to emerge (from five respondents) focused on **concern regarding the potential impact across the UK**, especially among AOs who operate UK wide as opposed to just in England. Those who raised this point were primarily concerned about the potential impact of different approaches and credit systems and possible issues regarding integration of these elements for such AOs.

‘There is a very real impact for us in terms of nations and in particular Scotland. We would not want significantly different approaches to terminology, processes and requirements.’

Awarding organisation: City & Guilds

‘Although this document addresses only Ofqual regulated qualifications in England, it needs to recognise that most AOs

operate UK-wide and that they interact with Higher Education. Any definitions which impinge on credit, as these so obviously do, needs to take account of the other credit systems in the UK to avoid creating problems that will ultimately impact on learners, education and training and on their career opportunities’

Awarding organisation: Institute of Leadership & Management

‘If there is a change in the determination of time for England, the credit value could change and as a result this may have implications for potentially different credit values in Wales and NI.’

Awarding organisation: International Association of Book-keepers

In Scotland the term credit is used and defined in a way that includes GLH but does not give specific reference to it. There is a robust process for those who allocate credit (and level) - they must be an approved Credit Rating Body (with the appropriate systems, procedures and methods in place to both allocate and subsequently monitor the application of credit through SCQF qualifications and learning). The system works well and produces quality outputs backed up with evidence.

Awarding organisation: Scottish Qualifications Authority, Accreditation

Transition period

Question 13

94. **Ofqual consulted with respondents on what they feel would be a reasonable length of time after the introduction of a new approach for an awarding organisation to evaluate the three components of TQT for its qualifications.**
95. In total 86 respondents provided comments. A significant proportion of stakeholders (37) argued that 12 months would *not* be a sufficient length of time for this evaluation to take place. They often suggested that a **minimum of two years** would be more reasonable.

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96. Reasons for believing that 12 months is insufficient included allowing AOs time to review and republish their **qualification specifications**, implement a 'test year' with a small number of AOs, allocate **resources**, consult with end users, evaluate **funding**, conduct **training**, and ensure conditions and audits are in place.

'This could be a lot of work so should be longer than 12 months. If evidence is required from actual learners then at least 24 months may be needed.'

Awarding organisation: FPSB UK

'The new definitions require evidence to support GLH/TQT calculations and in order to provide Awarding Organisations time to review their offer and gather the appropriate supporting evidence, a time period of 18 months to 2 years is considered more appropriate.'

Other organisational response

'2 years minimum. It will allow AOs time to review and republish specifications etc. and Ofqual time to review/feedback to AOs and users to adapt.'

Awarding organisation: ISMM

97. Many respondents (17) also suggested that there should be enough time allowed for a **formal assessment process** to be carried out. The opinion was held that a rushed timeline could lead to confusion or potential complications.
98. Respondents maintained there should be time permitted for a wide variety of processes, including: a **normal review cycle** for a qualification, decision making regarding the assessment and **categorisation** of activities, **consultation** with subject experts, gathering of **evidence** for meeting criteria, establishing new systems/procedures, assigning credit values, and **evaluating costs**.
99. There was a consensus among many stakeholders (13) that the evaluation process should fit in with their **existing work cycle** to minimise disruption, resource shortages, and cost implications.

'Ideally, allowing the evaluation of the qualification to take place near its regulation end date would allow an Awarding Organisation time to collate feedback on the delivery of the qualification, brief

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out any changes to customers and create a sufficient evaluation of the TQT for the qualification.'

Awarding organisation: NCFE

'The new method should be applied when qualifications are reviewed, so a proper process can be undertaken.'

Awarding organisation: CIPS

'Our preference would be to make any changes as qualifications come up for review in our existing Product Maintenance Schedule. This would minimise the impact on our resources.'

Awarding organisation

100. The Federation of Awarding Bodies (FAB) has recommended that the evaluation of the three components of Total Qualification Time (TQT) should be carried out in a **staged approach**. They feel that 12 months is unreasonable and suggest that the implementation of three phases would allow for a smoother transition. Other organisations have made similar statements or indicated their support of the FAB's suggestions.

'Stage 1- 18-24 months should be provided to allow AOs to identify qualifications that are relevant for RPA purposes and assign GLH values only to these qualifications. This will ensure that the legislative requirements related to RPA and GLH are met.'

Other organisational response: FAB

'The transition phase needs to be as long as possible so that organisations are able to gather sufficient evidence and make sure that they can meet all the criteria and Conditions associated with the introduction of this method of calculating learning time.'

Awarding organisation: International Dance Teachers Association

Other considerations

Equality analysis

Question 14

101. To support the evidence base around the proposals on guided learning hours Ofqual has carried out an equality analysis screening exercise and has discussed its proposals with its Equality Advisory Group³ and the Access Consultation Forum.⁴ Within the consultation respondents were asked to consider the impact of the proposals on people who share particular protected characteristics⁵ and highlight any specific positive or negative impacts. In total 64 respondents provided a response.
102. Two common and related themes emerged within the comments. Firstly a number of respondents, AOs in the main, stated that **learners with any protected characteristic may not have the profile of a ‘typical learner’**. As a result of this respondents argued that the values assigned to areas within TQT may not apply directly to these learners and may ‘mislead them into thinking the qualification can be achieved more quickly than will be the case for them’.
103. The following quote evidences the point made:

‘Where a learner has a particular protected characteristic they may not have the profile of “typical learner”. The values assigned to each of the areas within TQT may mislead them into thinking the qualification can be achieved more quickly than will be the case for them.’

Awarding organisation: UAL Awarding Body

³ The Equality Advisory Group provides Ofqual with expert external advice on equality issues relating to the regulation of qualifications and assessments. Group members are appointed, following a competitive process, for their personal expertise and experience.

⁴ The Access Consultation Forum is a multi-stakeholder group that supports Ofqual’s understanding of matters that affect disabled students accessing qualifications and assessments. The members of the group include representatives of awarding organisations and groups representing disabled students.

⁵ Including those defined in the Equality Act 2010, namely: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex and sexual orientation.

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104. A small number of responses also referenced specific protected characteristics and focussed on those with learning difficulties. Respondents argued that **learners with learning difficulties may be more likely to find it difficult to understand how long they need to dedicate to a qualification**, particularly as respondents argued learners with learning difficulties would need more time than the values in the TQT.

‘Learners with learning difficulties are likely to find it very difficult to understand how long they will be required to dedicate to taking a qualification, particularly as their learning time may well be longer than the values which are required to be stated (especially if minimum values are required).’

Awarding organisation: Laser awards

105. The consultation then asked respondents how could any negative impacts be avoided or reduced. In relation to the disadvantage that ‘non typical’ learners may face respondents argued that **AOs should be allowed to develop additional statements that explain values in the TQT are estimates** and may vary for different types of learners.

‘...allow AOs to develop additional statements to explain that the values assigned are estimates and that those learners with particular characteristics may require longer in some or all of the 3 categories of activity.’

Awarding organisation: Qualsafe Awards

106. Related comments also referenced that Ofqual should **allow AOs to report a range of values within aspects of TQT**, which may vary depending on cohort characteristics and size. This was a theme amongst the comments and is evidenced by the following quote:

‘By asking awarding bodies to state value ranges for tqt elements based upon cohort starting points and allowing for flexibilities based upon a number of factors including cohort size.’

Personal views: Teacher

Regulatory impact

Question 15

107. The consultation outlined that the proposals would impact on a wide range of AOs that provide both general and vocational qualifications. Respondents were asked to outline what positive or negative regulatory impacts should Ofqual should consider in relation to these proposals. In total 75 respondents provided a response.

108. The strongest theme amongst the comments referred to the **negative regulatory impact the proposals would have on the resources and workloads of AOs**. In some cases this was reported simply as the impact being the increases in workloads or resources that AOs would experience:

‘There could be a larger workload for large Awarding Organisations’

Awarding Organisation: The Institute of Export and International Trade

109. While this was the main theme, many of the other comments made a variety of points as to why the increased burden on AOs would occur and what the impact of this would be. Fifteen of the comments argued that the burden on AOs would be increased through these proposals **in a time of significant change** with a number of other consultations in progress, further heightening the impact.

‘This proposal comes at a time of significant change where there are a number of important consultations in progress.....If implemented, the GLH proposals will undoubtedly have a further impact on the resources of AOs in terms of them checking and, in many cases, recalculating values.’

Awarding organisations (various)

‘Please consider that this is just one consultation out of many launched at around the same time (including by the SFA) which will all have a significant impact on the work of Awarding Organisations from January 2015 onwards.’

Awarding Organisation: apt awards

110. While reform was supported by some caution was raised that Ofqual should not over-burden the sector and ensure change happens at a more measured pace. This was the conclusion made in the FAB response and repeated by others.

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'We support the activity of the regulator and the drive towards being better able to evidence the validity of VQs but would welcome regulatory changes taking place at a measured pace.'

Awarding organisations (various)

111. A noticeable number of respondents (10) mentioned that the regulatory impact of the proposals would be seen in the form of **increased costs** (due to additional resources, systems and meetings etc. needed). It was argued that these additional costs and resources needed would **divert resources from other activities**, such as innovation. With the related point made that this may then stifle new qualification development, affect quality and ultimately additional costs would be passed onto the end user.

'The potential workloads involved means yet again sector qualifications will be reworked - all of which stifles new qualification development and innovation.'

Awarding Organisation: MPQC

'We feel that maintaining the quality of our offer is the most important aspect of our work and would be loath to commit resources away from that focus.'

Awarding Organisation: Future (Awards and Qualifications) Ltd

112. A further theme that emerged in the responses was that the proposals outline a much more detailed process than the current Conditions and that this may **lead to Ofqual 'micro-managing' AOs rather than acting in a more pragmatic way**. Although these responses did not specify any further the impact of any micro management.

'This process is much more detailed than the current Conditions and specifies processes whereas other Conditions are much more general and leave it up to awarding organisations to decide the best procedures to use. There is a concern that Ofqual may be tempted to micro-manage organisations in relation to the specifics of the criteria.'

Awarding Organisation: Graded Qualifications Alliance

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113. When asked to **suggest how any negative regulatory impacts could be reduced or managed** respondents provided a range of responses although a number of clear themes emerged.

114. Firstly, respondents argued that **a clear plan of the regulatory changes should be published** which identifies the impacts upon AOs. Respondents articulated the need to provide clear guidance on the timetable for change, with the following statement repeated by many.

‘By publishing an overall plan of regulatory changes which considers the impact of these changes on AOs and their resources and seeks to introduce changes in a measured and reasonable way.’

Awarding organisations (various)

The development and publication of (and then adherence to) an overall plan for reform, with realistic timescales, which addresses all the issues in a measured, controlled, reasonable and achievable way.

Personal view: General public

115. Secondly, another repeated and related point was the **need for analysis of the impacts of the proposed changes** on AOs to take place so that AOs could have a better understanding of the risks presented by the proposals.

‘Conduct of an analysis to identify how the proposed changes are likely to impact on AOs and to aid a better understanding of the risks presented by the changes and the overall programme of change.’

Awarding organisations (various)

116. A third theme amongst the responses was that negative regulatory impacts could be managed or reduced through **considering the timescales for change and allowing a reasonable time for change**. In the handful of responses that mentioned this it was often also linked to the provision of clear and detailed guidance.

‘By allowing sufficient time for AOs to scope and complete the work in a methodical manner, and by providing clear guidance...’

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Awarding organisation: CABWI Awarding Body

‘This could be mitigated by allowing realistic timescales and providing detailed explanation and guidance.’

Awarding organisation

117. Finally, five respondents stated that any negative impacts related to the audit and monitoring processes could be managed through a more pragmatic approach from Ofqual. With respondents arguing that it would **require consistency by Ofqual in how they monitor AOs and communicate with them.**

‘There is an impact here on the audit and monitoring processes which require a more pragmatic approach from Ofqual in relation to the types of qualification being offered, the level of risk involved for particular types of qualification and the types and quantities of evidence provided by awarding organisations. It will require consistency by Ofqual in monitoring and communication with awarding organisations.’

Awarding Organisation: Imperial Society of Teachers of Dancing

Appendix A: List of consultation respondents

118. The following organisations responded to the online consultation or provided written submissions.

Organisation name
AAT
ABC Awards
ABMA Education Ltd.
ACCA
Accredited Skills for Industry (ASFI)
Active IQ
apt awards
AQA
ASDAN
Association of School and College Leaders
Association of Teachers and Lecturers (ATL)
ATT Ltd
Awarding First
BIIAB
Blackpool Sixth Form College
Bucks Learning Trust on behalf of the Buckinghamshire County Council
CABWI Awarding Body
CACHE – The Council for Awards in Care, Health and Education
CAFRE

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Cambridge International Examinations
Central Qualifications
Certa
Chartered Institute for Securities & Investment
Chartered Insurance Institute
Chartered Management Institute
CIPS
Cirencester college
CITB- (Construction Industry Training Board)
City & Guilds
Council for Dance Education and Training
CREATIVE SKILLSET
Cskills Awards
EAL
Engineering Construction Industry Training Board (ECITB)
English Speaking Board
Federation of Awarding Bodies
FPSB UK
Future (Awards and Qualifications) Ltd
Gateway Qualifications
General Council for Massage Therapies
GQA Qualifications Ltd
Graded Qualifications Alliance

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Highfield Awarding Body for Compliance
ifs University College
IMI Awards Ltd
Imperial Society of Teachers of Dancing
Institute of Leadership & Management
International Association of Book-keepers
International Baccalaureate (IBO)
International Dance Teachers Association
ISMM
Lantra
Laser Learning Awards
Lifetime Awarding (LAO)
MPQC
National Council for the Training of Journalists
NCFE
Network Exams
NOCN
OCR (Oxford, Cambridge and RSA Examinations)
Open Awards
PAA\VQ-SET
Pearson
Pensions Management Institute
PIABC

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QAA
Qualsafe Awards
Rockschool Ltd
Royal Academy of Dance
RSPH
Safety Training Awards
Scottish Qualifications Authority trading as SQA
Scottish Qualifications Authority, Accreditation
SFJ Awards
Sports Leaders UK
The Institute of Chartered Accountants in England and Wales (ICAEW)
The Institute of Export and International Trade
TLM
Trinity College London
UAL Awarding Body
Voice
WJEC

Appendix B: Consultation Questionnaire

Question 1: Are there any activities where you would be in doubt as to whether they should be included in 'Guided Learning'?

.....
.....

Question 2: "The proposed definition of 'Directed Study' is clear and appropriate."

What is your view of this statement?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer.

.....
.....

Are there any activities where you would be in doubt as to whether they should be included in 'Directed Study'?

.....
.....

Do you have any other comments or suggestions about this definition?

.....
.....

Question 3: "The proposed definition of 'Dedicated Assessment' is clear and appropriate."

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What is your view of this statement?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer.

.....

.....

Are there any activities where you would be in doubt as to whether they should be included in 'Dedicated Assessment'?

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.....

Do you have any other comments or suggestions about this definition?

.....

.....

Question 4: Do you have any other comments on the three components of Total Qualification Time? For example, are there other parts of learning time or activities that you expect the definitions to cover that they do not? If so, what are they?

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.....

How we will regulate: our new approach

Question 5: Do you have any comments about our proposed General Conditions?

.....

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.....

Which paragraphs are clear and helpful? Why?

.....

.....

Which paragraphs do you feel need to be clearer? Why?

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Question 6: What Guidance would be most helpful to you in relation to the proposed General Condition E7? Why is this? You may wish to consider what might be positive and negative indicators of compliance with the proposed General Condition.

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Question 7: Is there anything else we should reasonably expect an awarding organisation to consider when determining a qualification's relevance for the Raising the Participation Age policy (relevance 'for 2008 Act purposes')?

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.....

Question 8: "The Criteria document will help awarding organisations in making the required determination of a qualification's relevance for 2008 Act purposes."

What is your view of this statement?

Strongly agree

Agree

Neither agree nor disagree

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Disagree

Strongly disagree

Please give reasons for your answer.

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.....

Question 9: Are there other methods we should reasonably expect an awarding organisation to consider when calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment?

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.....
.....

Question 10: "The Criteria document will help awarding organisations in calculating values for a qualification's Guided Learning, Directed Study and Dedicated Assessment."

What is your view of this statement?

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please give reasons for your answer.

.....
.....

Question 11: What are your views on the proposed wording of the draft new Criteria?

.....

.....
Which sections are clear and helpful? Why?

.....
.....

Which sections do you feel need to be clearer? Why?

.....
.....

To what extent will these Criteria help awarding organisations to make the required determinations?

.....
.....

Implementation

Question 12: “Our proposals will have no impact on Credit values, unless the awarding organisation establishes that its previous estimate of the size of a qualification needs to be changed.”

What is your view of this statement?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please give reasons for your answer.

.....
.....

If you feel there are other implications for Credit, what are they?

.....
.....

Do you have any other comments?

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.....

Question 13: What would be a reasonable length of time after the introduction of a new approach for an awarding organisation to evaluate hours of Guided Learning, Directed Study and Dedicated Assessment for its qualifications? Why is that?

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Equality impact

Question 14: Are there any specific positive or negative impacts on people who share particular protected characteristics⁶ that we should consider in relation to these proposals?

.....
.....

How could any negative impacts be avoided or reduced?

.....
.....

Regulatory impact

Question 15: What positive or negative regulatory impacts should we consider in relation to these proposals?

⁶ Including those defined in the Equality Act 2010, namely: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex and sexual orientation.

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.....

.....

How could any negative impacts be avoided, reduced or managed?

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	A	B	C	D	E
1	Issue	Question number/s	Response	Proposal	Board Action required
2	Lack of clarity regarding classification of activities within qualifications	1, 2, 3, 4, 6, 10	We intend to consult with the awarding organisations on statutory Guidance to accompany Condition E7 in Feb/Mar 2015. This Guidance will set out specific examples of activities using common terminology. These examples will not be exhaustive.	TQT Guidance consultation to take place in Feb/Mar 2015. Change Directed Study to Directed Learning and Dedicated Assessment to Invigilation Assessment. Consult as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on statutory Guidance and new terms.
3	Language used in new Condition E7, amendments to Condition J1.8 and new TQT Criteria is not clear to non-legally trained individuals.	5, 7, 11	These are legal documents and the language used reflects the need for the documents to be robust and without loop-holes. See also issue below regarding Criteria's relevance to qualifications	We will review the documents in light of the comments and clarify where possible.	
4	It is not clear how an AO decides whether the size measures in Condition E7 and TQT Criteria are relevant to a qualification or not.	5, 10	This links with concerns raised at the workshops, by UCAS, SFA, DfE and the VQ Advisory Board regarding the proposal for AOs to 'opt-in' to the TQT values. There is also evidence from the QCF consultation analysis that size as a measure should form one of the key principles for a single framework i.e. for qualifications to be comparable on a single framework they will have to have a measure of size. It is logical for this measure to be TQT as set out in the proposed TQT Criteria. We propose therefore to make it a mandatory regulatory requirement for all qualifications to have TQT values, calculated according to the TQT Criteria. This would have the side benefit of removing the confusion from the current proposed TQT Criteria and Condition E7.	Amend Condition E7 and tQT Criteria to reflect the change to TQT values from being an option (depending on qualification's relevance for RPA purposes) to a mandatory regulatory requirement. Consult as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on change to TQT value requirement in Condition E7 and TQT Criteria.
5	Ofqual could alter the TQT Criteria and if this happened, awarding organisations would have to amend their qualifications	5	This could be said of all our regulatory documents. We do have the power under the ASCLA to amend the TQT Criteria and require awarding organisations to change the GLH values or the determination of a qualification's relevance to the RPA policy. In practice we are unlikely to make substantial changes unless we have serious concerns regarding a qualification's validity that relate to GLH. We may need to change a determination of relevance to the RPA policy due to outside factors, such as a Government policy decision.	No change required	
6	It will be difficult to provide evidence to support the TQT values for qualifications with small cohorts of learners	5	We will require awarding organisations to consider appropriate evidence. Where there are small cohorts of students, the awarding organisation may choose to place more weight on the views of subject experts or professional bodies. We would also urge awarding organisations to consider how they currently calculate GLH (and Credit where appropriate). We have had a technical requirement for awarding organisations to input GLH values onto RITS since 2010. GLH as a concept has been used since at least 1998.	Consult on TQT guidance as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on statutory Guidance.

	A	B	C	D	E
1	Issue	Question number/s	Response	Proposal	Board Action required
7	The amount and type of evidence required to support calculations of TQT and determination of relevance for RPA purposes.	6, 8	We intend to consult with the awarding organisations on statutory Guidance to accompany Condition E7 in Feb/Mar 2015. This Guidance will set out specific examples of types of evidence. These examples will not be exhaustive.	Consult on TQT guidance as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on statutory Guidance.
8	How a qualification should determine relevance for RPA: whether a qualification was intended for use by students with RPA duties or whether there is a possibility that any student taking the qualification may have RPA duties	7	On page 1 of the proposed Criteria we say: 'a qualification will be relevant for 2008 Act purposes if there are, or may reasonably be expected to be, persons seeking to obtain the qualification for the purposes of discharging [their RPA] duty'. We will reiterate in the Guidance that awarding organisations must consider if there is a reasonable expectation that students with RPA duties may wish to take the qualification.	Consult on TQT guidance as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on statutory Guidance.
9	The issue above may cause an unnecessary and disproportionate burden on awarding organisations	7	As above, we require that awarding organisations will consider the reasonable expectations of students wanting to take a qualification who are also seeking to fulfill their RPA duty. Where new information comes to light about the types of students taking a qualification, we would expect awarding organisations to amend their determination appropriately.	No change required	
10	The lowest number of hours/shortest route for a qualification may not be the route taken by typical learners.	9	We have proposed to use the shortest route (or pathway) through a qualification in order to align with the DfE's use of size measures in performance tables. This is connected to the ASCLA requirement for a single value for GLH. We would expect awarding organisations to use the shortest route for typical learners likely to use the qualification for RPA purposes. A wide disparity between qualification routes would lead us to question the manageability of the qualification. We would also question whether the awarding organisation's expectations of the outcomes of the qualification are clear to the student.	Consult on TQT guidance as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on statutory Guidance.
11	The requirement to gather information from learners regarding Directed Study is unlikely to produce accurate/honest data. Learners will not understand the concept of Directed Study. It will have significant impacts on resources.	9	We proposed AOs should take reasonable steps to gather estimates from a reasonable number of students (TQT Criteria para 4.5). We could reflect the AOs' concerns by removing it from the Criteria and using it as an example of best practice within the guidance. A statement in the assessment strategy to set out what the AO had done to take reasonable steps to gather estimates could also be an example of best practice.	Consult on TQT Criteria and guidance as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on statutory Guidance.
12	Request for flexibility to incorporate staff experience/knowledge and the professional judgement of subject experts in estimating TQT	9	Already incorporated in proposed Criteria doc. Can be used as example of best practice in Guidance.	Consult on TQT guidance as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on statutory Guidance.

	A	B	C	D	E
1	Issue	Question number/s	Response	Proposal	Board Action required
13	Perception of additional workload/bureaucracy and costs for AOs	10, 11	<p>We are aware that the new Condition E7 and TQT Criteria will require additional work for the AOs in the initial transition stage. This is because historically the AOs have not been required to have evidence of the calculations of learning time of their qualifications. For existing qualifications there will therefore be work to do in gathering the evidence. We have considered this in the length of the transition period and extended this from 12 months to 31 Dec 2016. The size of a qualification is considered at the development stage and therefore there should be little additional work required for new qualifications other than retaining the evidence of these decisions.</p> <p>We have amended the proposed new Condition E7 and TQT Criteria to reflect the proposed new qualification framework's requirement for all regulated qualifications to have a measure of size (TQT values). In addition we have proposed to amend the existing Condition E3 (Publication of a qualification specification) to include the requirement for all specifications to include TQT values.</p> <p>There will be an additional determination to make with regards to relevance for RPA purposes. This is a legal requirement on the part of awarding organisations. As a consequence of the proposed new qualification framework, including the proposal that all regulated qualifications are required to have a measure of size (TQT values), our Legal team have advised us that there is no requirement for us to have a Condition relating to relevance for RPA. We must set and publish Criteria but these can be as a document that exists outside the Regulatory Framework. This would mean that we would not be able to enforce them but neither would we wish to. It would be possible for anyone with standing to bring a judicial review against AOs if they fail to determine relevance.</p>	<p>Extend proposed transition period from 12 months to 31 Dec 2016.</p> <p>Amend Condition E7 and TQT Criteria to remove references to relevance for RPA and reflect requirements of proposed new qualification framework.</p> <p>Amend Condition E3 to take account of proposed requirement for all specifications to include TQT values.</p> <p>Propose new Criteria for determining the relevance of qualifications for RPA purposes.</p> <p>Consult on above documents as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)</p>	<p>Board to approve transition period.</p> <p>Board to approve recommendation to consult on amendments to proposed new Condition E7, TQT Criteria and RPA Criteria and amendments to existing Condition E3.</p>
14	Criteria should include examples of expectations and requirements	11	Expectations and examples of best practice will be included in the Guidance document.	Consult on TQT guidance as part of the new framework consultation (starting Feb/Mar 2015, 12 wk duration)	Board to approve recommendation to consult on statutory Guidance.

	A	B	C	D	E
1	Issue	Question number/s	Response	Proposal	Board Action required
15	Retrospectively changing Credit values based on a new system is unfair	12	We are not changing the fundamental way in which Credit is currently calculated. Currently Credit values are calculated by dividing the notional learning time by ten. Notional learning time is made up of Guided Learning and Directed Study/Learning. We have separated these two types of learning time. In future to calculate Credit values, the AO will add together the values for Guided Learning and Directed Learning and divide this total by ten. If awarding organisations have already been using this calculation, and there is no change to make to the learning time values, there will be no change to the Credit value of a qualification. The majority of awarding organisations agree with our view (44 agree, 18 disagree). The new framework consultation will consider whether to change the way Credit values are calculated to include all assessment time - this would bring us in-line with HE, Scotland and the EU.	No change required to GLH proposals. New framework consultation to consider changes to the calculation of Credit values.	
16	Concerns regarding the potential impact across the UK	12	As above, we have not fundamentally changed the way in which current Credit values will be calculated. Further exploration of Credit values will take place in the new framework consultation. We have engaged with stakeholders in NI, Wales and Scotland and will continue to do so during the implementation phase.	No change required to GLH proposals. New framework consultation to consider changes to the calculation of Credit values.	
17	12 months is insufficient time to implement the proposals	13, 15	We taken all comments about the time it will take for AOs to implement the proposals and agree that 12 months may not be sufficient. We propose to extend this time to 31 Dec 2016. This date takes into account the needs of funding agencies and curriculum directors for qualifications to be ready in time for planning the 2017/18 academic year.	Extend proposed transition period from 12 months to 31 Dec 2016.	Board to approve transition period
18	Learners with certain protected characteristics may not have the profile of a 'typical learner'. This could mean that the estimated TQT values will be misleading to these learners.	14	AOs are required to comply with the Equality Act 2010 and the General Conditions. AOs may also include additional statements in their specifications to make clear that the TQT values are estimates based on typical learners, therefore some learners may require additional time or less time. It would also be possible for AOs to state that individual methods of teaching may change the amount of TQT required.	No change required	

	A	B	C	D	E
1	Issue	Question number/s	Response	Proposal	Board Action required
19	Allow AOs to state a range of TQT values to allow for different cohort starting points and cohort size.	14	<p>We have the following legal advice on this point:</p> <ul style="list-style-type: none"> The intent of the ASCLA is that a student can discharge their RPA duty by relying on the GLH value assigned to a qualification. This is regardless of the amount of actual guided learning they have undertaken with respect to that qualification. <p>The student's amount of actual guided learning may or may not vary depending on the method of delivery. Introducing a list of alternative GLH values depending on the method of delivery risks confusing students as it may not be clear which value they should use for RPA purposes.</p> <ul style="list-style-type: none"> Secondly, the 'number of hours of guided learning' in relation to a qualification is now a defined term in the ASCLA. Under the ASCLA, this value must be arrived at using the Criteria that we specify. Any alternative values published in a qualification's specification cannot therefore be described as GLH values. This is because they will neither be the single value defined in ASCLA nor will they be arrived at using the same Criteria, as currently drafted. The only variation in the calculation is the method of delivery. <p>There is therefore a risk that there could be one official GLH value which is put on the Register and included in the specification as well as a number of alternative values in the specification which describe themselves as GLH values but which are not. This is likely to cause to confusion for users, frustrating the purpose of the single GLH value required under ASCLA.</p> <ul style="list-style-type: none"> Where there is a split market and a choice between groups of typical learners had to be made, i.e. if the difference is so stark that it would not make sense to take a mid-point between the numbers because that would be representative of no real world case, it would be necessary to choose in favour of the teaching style designed for the 17-18 year old students. <p>This is because, whatever other purpose the GLH values may be put to, their primary purpose must be that of the statutory scheme, which is concerned with the discharge of the duty under section 2 of the 2008 Act, and that necessarily makes the 17-18 year old constituency the most important one. A separate record could be kept of a non-statutory 'alternative' value, but it would not then have effect for the purposes of the 2008 Act.</p>	Amend TQT Criteria to make explicit that in instances of a split market, the GLH value must be based on the requirements of students with RPA duties	Board to approve additions to TQT Criteria
20	Increased burden on AOs, particularly given other significant changes taking place.	15	We taken all comments about the time it will take for AOs to implement the proposals and agree that 12 months may not be sufficient. We propose to extend this time to 31 Dec 2016. This date takes into account the needs of funding agencies and curriculum directors for qualifications to be ready in time for planning the 2017/18 academic year.	Extend proposed transition period from 12 months to 31 Dec 2016.	Board to approve transition period
21	Concerns that this will lead to Ofqual 'micro-managing' AOs	15	The TQT Criteria are necessarily prescriptive in order for us to fulfil our obligations under the ASCLA. The forthcoming Guidance should help to provide some reassurance to AOs by setting out examples of best and current practice.	No change required	
22	Request for clear plan/timeline of all the regulatory changes showing the impact on AOs	15	A clear communication plan will help AOs to plan their future work. We will work with colleagues working on the GCSE/GCE and QCF reforms and Comms to consider the best method of communicating these changes to the AOs.	Part of wider communication plan	

	A	B	C	D	E
1	Issue	Question number/s	Response	Proposal	Board Action required
23	Consistency and a pragmatic approach for monitoring is required.	15	Compliance & Monitoring and Accreditation colleagues are aware of our proposals and we will be working closely with them as the transition period starts in 2015. The new Condition E7 and TQT Criteria will be considered within business as usual, for example it may be used as the basis of a future thematic review. Qualifications that require accreditation will be reviewed against the new Condition E7 and the TQT Criteria. We have communicated this to AOs at the consultation workshops but we should reiterate this as part of the communication plan.	Part of wider communication plan	

Annex C

Proposed amendment to general Condition of Recognition E3 – Publication of a qualification specification

Condition E3 Publication of a qualification specification

E3.2 An awarding organisation must ensure that the specification for a qualification sets out –

...

- (k) the number of hours which it has assigned to that qualification in respect of each element of Total Qualification Time.

E3.4 An awarding organisation must ensure that it –

- (a) amends the specification for a qualification when the awarding organisation makes any revision to the number of hours which it has assigned in respect of any element of Total Qualification Time, and
- (b) publishes the revised specification.

Annex D

Proposed new general Condition of Recognition E7 –Total Qualification Time

Condition E7 Total Qualification Time

E7.1 In respect of each qualification which it makes available or proposes to make available, an awarding organisation must assign to that qualification a number of hours for –

- (a) Guided Learning,
- (b) Directed Learning, and
- (c) Invigilated Assessment,

(together, the ‘Total Qualification Time’).

E7.2 An awarding organisation must, in assigning to a qualification a number of hours in respect of each element of the Total Qualification Time, apply the TQT Criteria.

E7.3 An awarding organisation must –

- (a) keep under review the number of hours it has assigned to each qualification in respect of each element of the Total Qualification Time,
- (b) in particular review that number of hours assigned following any revision by Ofqual to the TQT Criteria, and
- (c) revise that number of hours if appropriate.

E7.4 Following any review by Ofqual of the number of hours assigned to a qualification in respect of any element of the Total Qualification Time, an awarding organisation must revise that number in any manner required by Ofqual.

Application

E7.5 Conditions E7.1 to E7.4 shall not apply to an awarding organisation until such date as is specified in, or determined under, any notice in writing issued by Ofqual to the awarding organisation under this paragraph.

E7.6 Any such notice issued by Ofqual may be –

- (a) subject to any conditions that Ofqual specifies (which may include conditions placing requirements on an awarding organisation as to its conduct prior to the date specified in or determined under it),
- (b) issued to an individual awarding organisation or to any group of awarding organisations,
- (c) varied by Ofqual at any time prior to the date specified in or determined under it.

E7.7 Where Ofqual makes such a notice subject to conditions, an awarding organisation to which the notice is issued must comply with any requirements that are imposed on it in accordance with those conditions.

Interpretation

E7.8 For the purposes of this Condition references to a 'qualification' are references to the qualification as a whole and not to individual units.

Annex E

Proposed additions to general Condition J1

Condition J1 – Interpretation and Definitions

The following additional definitions are to be inserted in the appropriate alphabetical location within Condition J1.

Directed Learning

The activity of a Learner in preparation, study or any other form of participation in education or training which takes place as directed by - but not under the Immediate Guidance or Supervision of - a lecturer, supervisor, tutor or other appropriate provider of education or training.

For these purposes the activity of ‘participating in education or training’ shall be treated as including the activity of being assessed if the assessment is not subject to Invigilation and takes place as directed by - but not under the Immediate Guidance or Supervision of - a lecturer, supervisor, tutor or other appropriate provider of education or training.

Guided Learning

The activity of a Learner in being taught or instructed by - or otherwise participating in education or training under the Immediate Guidance or Supervision of - a lecturer, supervisor, tutor or other appropriate provider of education or training.

For these purposes the activity of ‘participating in education or training’ shall be treated as including the activity of being assessed if the assessment takes place with the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

Immediate Guidance or Supervision

The guidance or supervision provided to a Learner by a lecturer, supervisor, tutor or other appropriate provider of education or training –

- (a) with the simultaneous physical presence of the Learner and that person, or
- (b) remotely by means of simultaneous electronic communication.

For these purposes, the activity of Invigilation is not to be regarded as a form of guidance or supervision.

Invigilated Assessment

The participation of a Learner in the activity of being assessed for a qualification, where the assessment is subject to Invigilation but takes place without the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

Invigilation

The supervision by an appropriate person of Learners who are participating in the activity of being assessed for a qualification, where such supervision involves neither any teaching nor the giving of any guidance or direction beyond that which is necessary to convey instructions for the carrying out of the assessment or otherwise for the effective management of the assessment activity.

Total Qualification Time

The number of notional hours which represents an estimate of the total amount of time that could reasonably be expected to be required, in order for a Learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification, in undertaking each of the activities of Guided Learning, Directed Learning and Invigilated Assessment.

Total Qualification Time Criteria (or 'TQT Criteria')

The TQT Criteria are criteria that are set and published by Ofqual for (i) the purposes set out at section 146(1)(b) of the Act, and (ii) the purpose of determining the number of hours of Directed Learning and Dedicated Assessment that should be assigned to a qualification by an awarding organisation. The TQT Criteria may be set out in more than one document.

Annex F

Proposed 'Criteria for determining whether a qualification is relevant for the purposes of the Education and Skills Act 2008'

1 Introduction

About this document

- 1.1 This document sets out the criteria set and published by Ofqual under section 146(1)(a) of the Apprenticeships, Skills, Children and Learning Act 2009 ('the 2009 Act').
- 1.2 In order to meet the requirements of section 145 of the 2009 Act with respect to a regulated qualification, an awarding organisation must:
 - (a) determine whether that qualification is a relevant qualification for the purposes of the Education and Skills Act 2008 ('the 2008 Act')¹, and
 - (b) if it is relevant, determine a number of hours for guided learning² to be assigned to that qualification.
- 1.3 Section 145(5)(a) of the 2009 Act requires an awarding organisation to apply the criteria in this document when making the determination in paragraph 1.2(a).
- 1.4 The criteria which an awarding organisation must apply in making a determination in paragraph 1.2(b) are contained in Ofqual's *Total Qualification Time Criteria*³.

¹ Under section 145(9) of the 2009 Act, a qualification will be relevant for 2008 Act purposes if there are, or may reasonably be expected to be, persons seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the 2008 Act (the duty to participate in education or training).

² Under section 145(10) of the 2009 Act, a 'number of hours for guided learning' in relation to a form of a qualification, means a number of notional hours representing an estimate of the amount of actual guided learning which could reasonably be expected to be required in order for persons to achieve the standard required to obtain that form of the qualification.

³ [Insert Link]

2 Criteria for determining whether a qualification is relevant for 2008 Act purposes

- 2.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under sections 145(2) and (3)(a) of the 2009 Act, whether each of its qualifications is relevant for 2008 Act purposes.
- 2.2 In making such a determination, an awarding organisation must apply each of the criteria in paragraphs 2.3 to 2.7.

The criteria

Information gathering

- 2.3 An awarding organisation must take reasonable steps to ascertain whether any Learner is, or may reasonably be expected to be, seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the 2008 Act (the duty to participate in education or training).
- 2.4 In particular, an awarding organisation must take reasonable steps to ascertain whether any of the factors listed in paragraphs 2.4 and 2.5 apply to a qualification.

Relevant factors

- 2.5 A qualification is likely to be relevant for 2008 purposes if a Learner aged 16 or 17 years old:
- (a) has previously taken the qualification while at the same time being in full-time occupation⁴, or
 - (b) is, at the time of the determination, participating in training or education towards the qualification, provided by a course or courses, while at the same time being in full-time occupation.
- 2.6 A qualification is unlikely to be relevant for 2008 Act purposes if:
- (a) the qualification requires the use or demonstration of skills where the use of such skills by a person under the age of 18 years old would be undesirable for health and safety reasons,

⁴ The term 'full-time occupation' is defined in section 5 of the 2008 Act as working for 20 hours or more per week under a contract of employment or in any other way which may be prescribed in regulations. At the date of publication of this document, alternative ways of working which have been prescribed by regulations are working (i) as a self-employed person, (ii) otherwise than for reward, and (iii) as the holder of an office (Duty to Participate in Education or Training (Alternative Ways of Working) Regulations 2013).

- (b) for any other reason the awarding organisation will not accept registration for the qualification by a person under the age of 18 years old,
- (c) the size of the qualification is such that it would be difficult for a Learner to take that qualification while at the same time being in full-time occupation,
- (d) the qualification requires prior achievement (such as the completion of another qualification or work experience) that a Learner under the age of 18 years old is unlikely to have, or
- (e) the qualification is at a higher level than GCE A level or equivalent.

Making a determination

2.7 In determining whether a qualification is relevant for 2008 Act purposes, an awarding organisation must have due regard to all of the relevant information available to it and any applicable factors in paragraphs 2.4 and 2.5.

Annex G

Proposed Total Qualification Time Criteria

1 Introduction

About this document

- 1.1 This document sets out the criteria set and published by Ofqual under section 146(1)(b) of the Apprenticeships, Skills, Children and Learning Act 2009 ('the 2009 Act') and Condition E7 of the General Conditions of Recognition.
- 1.2 The criteria set out in this document apply to all awarding organisations in respect of all qualifications regulated by Ofqual.
- 1.3 In order to meet the requirements of section 145 of the 2009 Act with respect to a qualification which it makes available, or proposes to make available, an awarding organisation must:
 - (a) determine whether that qualification is a relevant qualification for the purposes of the Education and Skills Act 2008 ('the 2008 Act')¹, and
 - (b) if it is relevant, determine a number of hours for Guided Learning² to be assigned to that qualification.
- 1.4 The criteria which an awarding organisation must apply in making a determination in paragraph 1.3(a) are contained in Ofqual's *Criteria for determining whether a qualification is relevant for the purposes of the Education and Skills Act 2008*³.
- 1.5 Condition E7.1(a) requires an awarding organisation to assign a number of hours for Guided Learning to each qualification which it makes available or proposes to make available.

¹ Under Condition E6.14(c) and section 145(9) of the 2009 Act, a qualification will be relevant for 2008 Act purposes if there are, or may reasonably be expected to be, persons seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the 2008 Act (the duty to participate in education or training).

² Terms in this document should be interpreted in line with General Condition J1, apart from references to a 'qualification' which, under Condition E6.14(a), are references to a qualification as a whole and not to individual units.

³ [Insert Link]

- 1.6 Section 145(5) of the 2009 Act (where a qualification is relevant for 2008 Act purposes) and Condition E7.2 require an awarding organisation to apply the criteria in this document when assigning a number of hours for Guided Learning to a qualification.
- 1.7 In addition, Conditions E7.1(b) and (c) require an awarding organisation to also assign a number of hours for Directed Study and Dedicated Assessment to each qualification which it makes available or proposes to make available.
- 1.8 Condition E7.2 requires an awarding organisation to apply the criteria set out in this document when assigning a number of hours for Directed Study and Dedicated Assessment⁴ to a qualification.
- 1.9 The rest of this document is structured as follows:
 - (a) Section 2 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Guided Learning to assign to a qualification.
 - (b) Section 3 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Directed Study to assign to a qualification.
 - (c) Section 4 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Dedicated Assessment to assign to a qualification.

2 Criteria for assigning to a qualification a number of hours for Guided Learning

- 2.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under section 145(3)(b) of the 2009 Act and Condition E7.1(a), a number of hours for Guided Learning to assign to a qualification.
- 2.2 An awarding organisation must determine the number of hours for Guided Learning to be assigned to a qualification which it proposes to make available applying the criteria in paragraphs 2.5 to 2.8, as relevant.

⁴ We are proposing to change the terms Directed Study and Dedicated Assessment to Directed Learning and Invigilated Assessment respectively (see recommendation (d) in paper 92/14), however we have yet not consulted on this change. Therefore in this document we have retained the terms originally proposed in the Guided Learning Hours consultation in 2014.

- 2.3 An awarding organisation must determine the number of hours for Guided Learning to be assigned to a qualification which it already makes available applying the criterion in paragraph 2.9.
- 2.4 In all cases an awarding organisation must comply with the criteria in paragraphs 2.10 to 2.13, as relevant.

The criteria

Qualifications which an awarding organisation proposes to make available

- 2.5 Where all or part of the Guided Learning in respect of a qualification will be provided by an awarding organisation, the awarding organisation must:
- (a) where the awarding organisation provides Guided Learning in respect of one or more qualifications which are similar to the qualification for which the determination is being made ('Similar Qualifications'), calculate the number of hours of Guided Learning provided by the awarding organisation to a Learner in respect of each Similar Qualification, or
 - (b) where paragraph 2.5(a) does not apply, estimate the number of hours of Guided Learning which the awarding organisation is likely to provide to a Learner in respect of the qualification.
- 2.6 In arriving at any estimate under paragraph 2.5(b), an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.
- 2.7 Where all or part of the Guided Learning in respect of a qualification will be provided by one or more Centres and/or third parties, an awarding organisation must:
- (a) where Guided Learning in respect of a Similar Qualification is provided by one or more Centres and/or third parties, gather statements from a reasonable number of those Centres and third parties of the number of hours of Guided Learning which they provide to a Learner in respect of each Similar Qualification (whether made available by the awarding organisation or other awarding organisations), or
 - (b) where paragraph 2.7(a) does not apply, gather estimates from a reasonable number of Centres and/or third parties of the number of hours of Guided Learning which they would be likely to provide to a Learner in respect of the qualification.

2.8 When assigning a number of hours for Guided Learning to a qualification an awarding organisation must have due regard to:

- (a) any numbers calculated under paragraph 2.5(a) or any estimate arrived at under paragraph 2.5(b),
- (b) any numbers gathered under paragraph 2.7(a) or any estimates gathered under paragraph 2.7(b), and
- (c) in relation to any numbers gathered under paragraph 2.7(a) and any estimates gathered under paragraph 2.7(b), any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.

Qualifications which an awarding organisation already makes available

2.9 In respect of a qualification which it makes available, an awarding organisation must:

- (a) calculate the number of hours of Guided Learning which it provides to a Learner in respect of the qualification,
- (b) where any Guided Learning in respect of the qualification is provided by one or more Centres and/or third parties, gather statements from a reasonable number of those Centres and third parties in regard to the number of hours of such Guided Learning which those Centres and/or third parties provide to a Learner, and
- (c) assign a number of hours for Guided Learning to the qualification having due regard to the number calculated under paragraph 2.9(a) and the numbers gathered under paragraph 2.9(b).

Recording a determination

2.10 Where –

- (a) a qualification contains a choice of optional routes, two or more of which are relevant for 2008 Act purposes, and
- (b) those optional routes which have differing numbers of hours for Guided Learning,

the awarding organisation must assign the lowest number of those hours to that qualification.

2.11 Where –

- (a) a qualification contains a choice of optional routes, none of which are relevant for 2008 Act purposes, and
- (b) those optional routes which have differing numbers of hours for Guided Learning,

the awarding organisation must assign the lowest number of those hours to that qualification.

2.12 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraphs 2.5(a), 2.6, 2.7, 2.8(c), and 2.9(b) for so long as it continues to offer the qualification.

2.13 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all supporting evidence which it has retained under paragraph 2.12.

3 Criteria for assigning to a qualification a number of hours for Directed Learning

3.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under Condition E7.1(b), a number of hours for Directed Learning to assign to a qualification.

3.2 An awarding organisation must determine the number of hours for Directed Learning to be assigned to a qualification which it proposes to make available applying the criteria in paragraphs 3.5 to 3.9, as relevant.

3.3 An awarding organisation must determine the number of hours for Directed Learning to be assigned to a qualification which it already makes available applying the criteria in paragraphs 3.10 to 3.13, as relevant.

3.4 In all cases an awarding organisation must comply with the criteria in paragraphs 3.14 to 3.16.

The criteria

Qualifications which an awarding organisation proposes to make available

3.5 Where an awarding organisation provides Guided Learning to Learners in respect of a Similar Qualification, the awarding organisation must estimate the number of hours of Directed Learning which typical Learners are likely to undertake in respect of each Similar Qualification.

- 3.6 Where Guided Learning is provided by one or more Centres and/or third parties in respect of a Similar Qualification, an awarding organisation must gather estimates from a reasonable number of those Centres and third parties of the number of hours of Directed Learning which typical Learners are likely to undertake in respect of each Similar Qualification.
- 3.7 Where neither paragraph 3.5 nor 3.6 applies, an awarding organisation must estimate the number of hours of Directed Learning which it considers typical Learners are likely to undertake in respect of the qualification.
- 3.8 In arriving at any estimate under paragraph 3.7 an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.
- 3.9 When assigning a number of hours for Directed Learning to a qualification which it proposes to make available an awarding organisation must have due regard to:
- (a) any estimates gathered under paragraphs 3.5 and 3.6,
 - (b) in relation to those estimates under paragraphs 3.5 and 3.6, any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service, and
 - (c) any estimate arrived at under paragraph 3.7.

Qualifications which an awarding organisation already makes available

- 3.10 Where all or part of the Guided Learning in respect of a qualification is provided by an awarding organisation, the awarding organisation must estimate the number of hours of Directed Learning which it considers that typical Learners are likely to undertake in respect of the qualification.
- 3.11 In arriving at any estimate under paragraph 3.10 an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.

- 3.12 Where all or part of the Guided Learning in respect of a qualification is provided by one of more Centres and/or third parties, an awarding organisation must gather estimates from a reasonable number of those Centres and third parties of the number of hours of Directed Learning they consider to be undertaken by typical Learners in respect of the qualification.
- 3.13 When assigning a number of hours for Directed Learning to a qualification which it makes available an awarding organisation must have due regard to:
- (a) any estimate arrived at under paragraph 3.10,
 - (b) any estimates gathered under paragraph 3.12, and
 - (c) in relation to those estimates under paragraphs 3.12, any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.

Recording a determination

- 3.14 Where a qualification contains a choice of optional routes which have differing numbers of hours for Directed Learning, an awarding organisation must assign the lowest number of those hours to that qualification.
- 3.15 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraphs 3.6, 3.8, 3.9(b), 3.11, 3.12 and 3.13(c) for so long as it continues to offer the qualification.
- 3.16 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all supporting evidence which it has retained under paragraph 3.15.

4 Criteria for assigning to a qualification a number of hours for Invigilated Assessment

- 4.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under Condition E7.1(c), a number of hours for Invigilated Assessment to assign to a qualification.
- 4.2 An awarding organisation must determine the number of hours for Invigilated Assessment to be assigned to a qualification applying the criteria in paragraph 4.4, as relevant.
- 4.3 In all cases an awarding organisation must comply with the criteria in paragraphs 4.5 to 4.7.

The criteria

- 4.4 When assigning a number of hours for Invigilated Assessment to a qualification an awarding organisation must have due regard to:
- (a) where the qualification is one which the awarding organisation already makes available, the number of hours of Invigilated Assessment undertaken by a Learner in respect of the qualification,
 - (b) where the qualification is one which the awarding organisation proposes to make available and a Similar Qualification exists, the number of hours of Invigilated Assessment undertaken by a Learner in respect of each such Similar Qualification, and
 - (c) in all cases, any other relevant information which is reasonably available to the awarding organisation including:
 - i information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service,
 - ii information from relevant subject or assessment experts,
 - iii any professional or regulatory requirements with which the qualification is intended to comply (including, but not limited to, Ofqual's requirements), and
 - iv any requirement which the awarding organisation sets in respect of the time to be spent by a Learner in taking any portion of the Invigilated Assessments for the qualification.

Recording a determination

- 4.5 Where a qualification contains a choice of optional routes which have differing numbers of hours for Invigilated Assessment, an awarding organisation must assign the lowest number of those hours to that qualification.
- 4.6 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraph 4.4 for so long as it continues to offer the qualification.
- 4.7 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all supporting evidence which it has retained under paragraph 4.6.