



Office of Qualifications  
and Examinations Regulation  
Spring Place  
Coventry Business Park  
Herald Avenue  
Coventry CV5 6UB

Telephone 0300 303 3344  
Textphone 0300 303 3345  
[public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)  
[www.gov.uk/ofqual](http://www.gov.uk/ofqual)

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Dear Responsible Officer

## **New Conditions on Total Qualification Time and publication of revised specifications**

### **Introduction**

We published on 17 September 2015 new Conditions, requirements, criteria and guidance that will come into force on 1 October 2015. These provisions address the way the level and size of qualifications are described and some associated provisions on the use of credit and the recognition of prior learning. We have previously consulted on the requirements and the policy behind them and we wrote to you on 6 August to tell you about the decisions we had taken. We will withdraw the QCF Regulatory Arrangements when these new Conditions come into effect.

Two of the Conditions, on determining the size of a qualification and on publishing qualification specifications that include the qualification's level and size, allow us to determine the time at which requirements are imposed on particular awarding organisations and/or qualifications.

We told you in our 6 August letter that all awarding organisations must have allocated a measure of size, expressed in terms of Total Qualification Time and Guided Learning, to each of their existing qualifications by no later than 31 December 2017. Nevertheless, we encouraged you to review all your qualifications and to allocate TQT and GL values to them as soon as you reasonably can. We also explained that we could bring forward the date for specific types of qualification or for specific awarding organisations and that if we decided to do so we would give you notice of our decision and the reasons for it.

We have decided that we will phase in the introduction of the new requirements on how the size of existing qualifications are described and the new requirements for publication of qualification specifications that include the size and level of the

qualification. We plan that the requirements should apply from 30 June 2016 to qualifications that are used in school performance measures in England and that have a UCAS tariff (other than GCSEs, AS, A levels and Functional Skills qualifications). We are setting out our approach in this letter and we are inviting you to let us know whether it will create any specific difficulties for you.

**The requirements will apply immediately to all new qualifications entered onto the Register from 1<sup>st</sup> October 2015, except for those that have been submitted for accreditation before that date.**

## **Background**

We are introducing the Conditions on describing the size of a qualification in part to satisfy our, and to enable you to satisfy your, statutory duties with regard to the Raising of the Participation Age (RPA) policy. You should note that although the RPA policy applies only in England the Conditions we are introducing apply to all qualifications we regulate, no matter where they are offered.

We explained our respective duties when we consulted during July – October 2014 on Guided Learning Hours ([www.gov.uk/government/consultations/guided-learning-hours](http://www.gov.uk/government/consultations/guided-learning-hours)).

In that consultation we proposed that in addition to the Guided Learning required for a qualification, awarding organisations should also identify the time they would expect learners taking a qualification typically to spend undertaking directed study and on dedicated assessments. We proposed that the sum of these parts would be described as Total Qualification Time.

We consulted again earlier this year ([www.gov.uk/government/consultations/after-the-qcf-a-new-qualifications-framework](http://www.gov.uk/government/consultations/after-the-qcf-a-new-qualifications-framework)) on draft conditions, criteria and guidance on describing the size of a qualification and on the conditions, requirements and guidance we proposed to put in place when we withdrew the QCF regulatory arrangements. Following that consultation we have decided to simplify the approach to describing the size of a qualification and to require that only Total Qualification Time and Guided Learning are identified.

In our 2014 consultation we proposed that awarding organisations should ensure that any new qualifications entered onto the Register complied with the new Conditions as soon as they are introduced. We also proposed that for all other qualifications, awarding organisations should have twelve months from the date of the publication of the relevant conditions to ensure the size of all existing qualifications were described in line with the requirements.

If we had continued with that approach, it would mean that you would need to review all of your existing qualifications and confirm or amend your GLH values by September 2016. However, many awarding organisations told us that such a timetable would give them insufficient time to gather and review the necessary evidence and to amend or confirm the current guided learning hours' value of all of their qualifications.

Although we have since simplified the approach to describing the size of a qualification we recognise that if the exercise is to be undertaken properly some awarding

organisations, especially those with large numbers of qualifications, may need more time. This is why we have now said that the last date by which the size of all qualifications must be described using the new requirements is 31 December 2017.

However, as signalled in our letter of 6 August, we intend to adopt a phased approach by bringing forward this date for certain qualifications, as set out below. We also intend to seek assurances next year that each awarding organisation is working towards compliance with the Conditions by 31 December 2017.

### **Our approach**

*We intend to publish a notice, in accordance with Conditions E3.6 to E3.8 and E7.6 to E7.8, stating that Conditions E3.2(l), E3.2(m), E3.4, E3.5 and E7.1 to E7.5 will come into effect on 1 October 2015 in respect of all new qualifications entered onto the register on or after that date apart from GCSE qualifications, GCE qualifications and Functional Skills Qualifications.*

*We intend to publish a second notice, in accordance with Conditions E3.6 to E3.8 and E7.6 to E7.8, stating that Conditions E3.2(l), E3.2(m), E3.4, E3.5 and E7.1 to E7.5 will come into effect on 30 June 2016 in respect of the following qualifications – excluding GCSEs, AS and A levels and Functional Skills qualifications:*

- (1) Qualifications that at 30 June 2016 are approved for use in DfE's KS4 or KS5 school performance measures
- (2) Qualifications in respect of which an awarding organisation intends to make an application for approval for use in DfE's KS4 or KS5 school performance measures (such qualifications should be compliant with the relevant Conditions at the time such an application is made)
- (3) Qualifications that at 30 June 2016 have been allocated a UCAS tariff value
- (4) Qualifications in respect of which an awarding organisation intends to make an application for a UCAS tariff (such qualifications should be compliant with the relevant Conditions at the time such an application is made)

Conditions E3.8 and E7.8 allow us to attach conditions to a notice. We intend to state in the notice that whilst Conditions *E3.2(l), E3.2(m), E3.4, E3.5 and E7.1 to E7.5* will not take effect in respect of qualifications described above until 30 June 2016, and for other qualifications not until 31 December 2017, an awarding organisation must take steps to review its qualifications to which the notice will apply in readiness for full compliance on the required date.

Our approach will mean that each awarding organisation with qualifications on the Register which fall within the above groups must by no later than 30 June 2016 assign a TQT and a GL value to those qualifications and publish amended specifications.

We will seek assurances next year that every awarding organisation is making progress towards complying in full with the provisions in the notice by the required dates.

Finally, we intend to publish a third notice in respect of all remaining qualifications which will require awarding organisations to comply with Conditions *E3.2(l), E3.2(m), E3.4, E3.5 and E7.1 to E7.5* in respect of those qualifications from 31 December 2017.

## **The reasons for our proposed approach and the options we considered**

We recognise that an awarding organisation with a large number of qualifications will need time to collect and review evidence to enable it to confirm or amend current GL values, to determine a TQT value and to publish a revised specification showing the TQT and GL values and an appropriate qualification level. This is why we have decided to delay the introduction of the new Conditions in respect of most regulated qualifications. However, the size and level of qualifications are important pieces of information on which at least some Users of qualifications rely.

The RPA duty requires certain 17 and 18 year olds to undertake at least 280 hours of learning a year and for that time to be calculated using GL values that have been assigned to qualifications following the application of our criteria. We have considered bringing forward the date by which all qualifications which might be used for RPA purposes must have a TQT and GL value. However, we understand that a very large number of qualifications *could* be used for RPA purposes although that a much smaller number probably *will* be. We believe that if we specified that any qualification that might be used for RPA purposes had to have TQT and GL values at a date before the end of December 2017, the number of qualifications would be very large and some awarding organisations might have difficulty meeting the earlier deadline.

We believe that the majority of qualifications that in fact are likely to be used for RPA purposes will be those that are generally taken by 16 – 18 year old students in schools and colleges.

Our planned approach would provide a straightforward way of identifying at least the majority of qualifications – other than GCSEs, AS, A levels and Functional Skills qualifications – that are likely to be used for RPA purposes, without requiring awarding organisations to apply the criteria for determining the relevance of a qualification for RPA. As awarding organisations know whether their qualifications are used for school performance measures and UCAS tariff purposes, they would not have to undertake additional work to determine whether a qualification was subject to early application of the Conditions.

An added advantage of such an approach is that the government, that determines which qualifications should be used for school performance measures, and UCAS, that determines a qualification's tariff value, both rely on the GL values the awarding organisation has assigned to a qualification. If the market is to operate fairly, awarding organisations should use a consistent approach when assigning GL values. Our proposed approach would bring forward the date by which this would be achieved. It would also avoid potential distortions to the market that might arise if some awarding organisations applied the new requirements to these qualifications early on in the transition period, whilst others delayed doing so.

Although GCSEs, A levels and AS qualifications are used to calculate school performance measures, have UCAS tariffs and may be used for RPA purposes, we do not intend to bring forward the date by which the awarding organisations that award those qualifications must review the way the size of these qualifications is described. These qualifications are the subject of a major reform programme. New GCSEs, AS and A levels are being introduced and pre-reform versions are being withdrawn. The

exam boards that offer these qualifications are investing considerable resources in this reform programme and we do not wish to place further requirements on them in respect of these qualifications. Moreover, the qualifications are all based on common content prescribed by the government and we have specified requirements on assessment arrangements which will also secure a degree of certainty about assessment time. The current GL values allocated to the qualifications have been taken into account as the content has been developed. We therefore have some assurance that the allocated GL values are and will continue to be reasonable. We will discuss with the awarding organisations that offer GCSEs, A levels and AS qualifications the implications for them of having to assign a single GL value to a qualification, rather than a range as now, and how they might comply with the new conditions (by 31 December 2017) at a time of qualification reform.

Likewise, Functional Skills qualifications are being reviewed and will be subject to reform. We will discuss the size of these qualifications with the awarding organisations.

We have considered alternative ways by which the application of the requirements could be phased. We could base the phasing on the size of qualifications, for example the requirements could apply first to all qualifications that have currently been assigned a GL value of 150 or more; or all qualifications that have been on the Register for three or more years could be prioritised; or we could require an awarding organisation to have reviewed at least a quarter of its regulated qualifications by a given date. But such approaches would not necessarily include those qualifications for which the size of the qualification has any real significance, including for RPA purposes. There is also a risk that such an approach could have an impact on the operation of the market. If some awarding organisations reviewed their qualifications that are used for school performance or UCAS tariff purposes before others, there is a risk that some qualifications would be found not to satisfy the size-based performance measure or tariff requirements, allowing others, that would later also be found not to meet the requirements, to continue to attract performance points/a certain tariff.

We have considered the number of qualifications that would be covered by our planned approach.

There are about 700 qualifications (excluding GCSEs, AS and A levels) used for school performance measures and about 230 qualifications (excluding GCSEs, AS and A levels) that have a UCAS tariff. A number of qualifications will be in both of these groups.

We estimate that under our proposed approach about 750 of 19,000 or so qualifications on the Register would be subject to an early application of the size requirements, i.e. less than 5% of all regulated qualifications. A small number of awarding organisations offer a significant percentage of these qualifications. However, as these awarding organisations have very large numbers of qualifications on the Register they will anyway have to phase the way they manage their reviews if they are to have reviewed the size of all of their qualifications by 31 December 2017.

All awarding organisations will have to plan how they will ensure they will have reviewed the way they describe the size of all of their qualifications by 31 December

2017. We believe it would be reasonable to expect all awarding organisations to at least have a plan in place by next summer. We will seek assurances that this is the case next year.

### **Your views**

If you wish to tell us your views on our planned approach please email regulatory relationships: [regulatory.relationships@ofqual.gov.uk](mailto:regulatory.relationships@ofqual.gov.uk) no later than Monday 19 October 2015. We are particularly interested to know whether you think the approach would have a disproportionately burdensome impact on your awarding organisation and, if so, why.

We will then announce our final decision.

A handwritten signature in black ink, appearing to read 'Jeremy Benson', with a stylized flourish at the end.

Jeremy Benson

Executive Director, Vocational Qualifications

Attached: Notice in respect of Conditions E3.2(l), E3.2(m), E3.4, E3.5 and E7.1 to E7.5

### **Notice in respect of Conditions E3.2(l), E3.2(m), E3.4, E3.5 and E7.1 to E7.5**

- 1 This notice is issued under Conditions E3.6 and E7.6 and applies to all awarding organisations.
- 2 Save as specified in paragraph 3, an awarding organisation must comply with the following Conditions in respect of all new qualifications placed on the Register<sup>1</sup> after 12.00am on 1 October 2015 –
  - (a) Conditions E3.2(l),
  - (b) Condition E3.2(m),
  - (c) Condition E3.4,
  - (d) Condition E3.5, and
  - (e) Conditions E7.1 to E7.5.
- 3 Paragraph 2 does not apply to GCSE qualifications, GCE qualifications or Functional Skills qualifications.

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<sup>1</sup> Terms in this notice have the same meaning as given to them in the General Conditions of Recognition, including the Qualification Level Conditions.