

EPA Qualification Level Conditions and Requirements

July 2018

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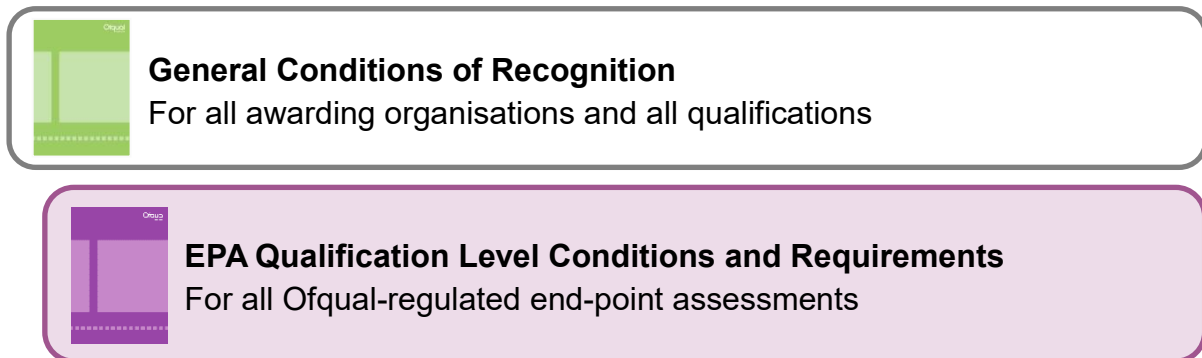
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Introduction

About this document

This document (highlighted in the figure below) is part of a suite of documents which sets out our regulatory requirements for awarding organisations offering end-point assessments (EPAs).



Requirements set out in this document

This document sets out the Qualification Level Conditions and Requirements for EPAs.

These conditions and requirements come into effect at 00.01am on 27 July 2018

With respect to all Ofqual-regulated EPAs, awarding organisations must also comply with the following, except where specifically disapplied, as per Condition EPA2:

- our *General Conditions of Recognition*,¹ which apply to all awarding organisations and qualifications, and
- all relevant Regulatory Documents.²

A note on terminology

The terms used in these Conditions and Requirements follow those that are used elsewhere in Ofqual's regulatory framework. Where a generic term is used in the document, it should be read as referring to the relevant term in the context of EPAs.

For example, 'awarding organisations' will be end-point assessment organisations, a 'qualification' will be an EPA, and 'results' will be the summary of results published by an end-point assessment organisation.

¹ www.gov.uk/government/publications/general-conditions-of-recognition

² www.gov.uk/guidance/regulatory-document-list

Summary of requirements

Subject Level Conditions
Condition EPA1 - Compliance with Assessment Plans and gateway requirements
Condition EPA2 - Disapplication of certain General Conditions of Recognition applying to EPAs
Condition EPA3 - Notification to Ofqual of certain events in relation to EPAs
Condition EPA4 - EPA levels
Condition EPA5 - Technical Evaluation
Condition EPA6 - Interpretation and Definitions
Requirements in relation to Ofqual-Regulated End Point Assessments
List of Assessment Plans

Qualification Level Conditions

EPA Qualification Level Conditions

Condition EPA1 Compliance with Assessment Plans and gateway requirements

- EPA1.1 In respect of each EPA which it makes available or proposes to make available, an awarding organisation must –
- (a) comply with any requirements, and have regard to any guidance, contained in the relevant Assessment Plan, and
 - (b) interpret that Assessment Plan in accordance with any requirements, and having regard to any guidance, which may be published by Ofqual and revised from time to time.
- EPA1.2 An awarding organisation must take all reasonable steps to satisfy itself that each Learner has met any relevant Gateway Requirement prior to taking an assessment for an EPA which it makes available or proposes to make available.

Condition EPA2 Disapplication of certain General Conditions of Recognition applying to EPAs

EPA2.1 In respect of each EPA which an awarding organisation makes available or proposes to make available, the following General Conditions of Recognition do not apply –

- (a) Condition B3,
- (b) Condition E1,
- (c) Condition E7,
- (d) Condition E8,
- (e) Condition E9,
- (f) Condition I3, and
- (g) Condition I4.

Condition EPA3 Notification to Ofqual of certain events in relation to EPAs

Notification where an event could have an Adverse Effect

EPA3.1 An awarding organisation must promptly notify Ofqual when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect.

Specific examples of events which could have an Adverse Effect

EPA3.2 For the purposes of this condition, such events may in particular include those where –

- (a) there is a substantial error in the awarding organisation's assessment materials,
- (b) there has been a loss or theft of, or a breach of confidentiality in, any assessment materials,
- (c) the awarding organisation cannot supply assessment materials for a scheduled assessment date,
- (d) there has been a failure in the delivery of an assessment which threatens Assessors' ability to differentiate accurately and consistently between the levels of attainment demonstrated by Learners,
- (e) the awarding organisation will be unable to meet a published date for the issue of results,
- (f) the awarding organisation has issued incorrect results,
- (g) the awarding organisation believes that there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could affect another awarding organisation,
- (h) the awarding organisation has (for any reason, whether inside or outside its control) incurred an increase in costs which it anticipates will result in an increase in its fees of significantly more than the rate of inflation,

- (i) the awarding organisation is named as a party in any criminal or civil proceedings or is subjected to a regulatory investigation or sanction by any professional, regulatory, or government body,
- (j) a Senior Officer of the awarding organisation is a party to criminal proceedings (other than minor driving offences), is subject to any action for disqualification as a company director, or is subject to disciplinary proceedings by any professional, regulatory, or government body,
- (k) the awarding organisation believes that the Assessment Plan has or could have an Adverse Effect, including in particular where the Assessment Plan has given, or could give, rise to an assessment that is not fit for purpose,
- (l) the awarding organisation cannot, or is unlikely to be able to, deliver an assessment effectively, including in particular where the Awarding Organisation does not have an adequate number of Assessors to deliver the assessment effectively, or
- (m) the awarding organisation believes that it is, or is likely to be, unable to deliver or award an EPA in accordance with its Conditions of Recognition as a result of an unexpected rise in demand for the qualification.

Notification of specified events in all cases

EPA3.3 An awarding organisation must promptly notify Ofqual if –

- (a) it is, or if it has cause to believe that it is likely to be, subject to –
 - (i) a material change in its governance structure or legal status,
 - (ii) a change of control,
 - (iii) a merger between it and another body,
 - (iv) any insolvency or bankruptcy proceedings,

- (v) removal from the Register of End Point Assessment Organisations,
- (b) a review of the Assessment Plan for an EPA which it makes available or proposes to make available, is proposed or initiated, or
- (c) any change is made, or proposed, to the Assessment Plan for an EPA which it makes available or proposes to make available, whether following a review or otherwise.

Further requirements on the timing of notifications

- EPA3.4 When it notifies Ofqual of an event in accordance with this condition, or as soon as possible afterward, an awarding organisation must also notify Ofqual of any steps that it has taken or intends to take to prevent the event having an Adverse Effect or to correct or mitigate that Adverse Effect if it occurs.
- EPA3.5 An awarding organisation must not delay making a notification to Ofqual in accordance with this condition because relevant information is unavailable, but must notify based on all the information that it has and provide further information to Ofqual once it becomes available.

Condition EPA4 EPA levels

EPA4.1 An awarding organisation must –

- (a) assign one or more levels to each EPA which it makes available or proposes to make available,
- (b) ensure that each level which it assigns is the same as the level or levels of the relevant Apprenticeship Standard, and
- (c) following any change to a level of the relevant Apprenticeship Standard, review each level which it has assigned to the qualification and revise that level to ensure that it continues to comply with Condition EPA4.1(b).

Management of the revision of a level assigned to a qualification

EPA4.2 An awarding organisation must take all reasonable steps to –

- (a) give Ofqual reasonable notice of its anticipated revision of a level assigned to an EPA, and
- (b) notify Ofqual of such a revision prior to the time at which it provides that information to any Users of the EPA.

EPA4.3 Where an awarding organisation is obliged to revise a level assigned to an EPA, it must either –

- (a) withdraw that qualification, or
- (b) follow the process outlined in conditions EPA4.4 and EPA4.5,

and must give to Ofqual reasonable notice of which of these two courses it intends to follow.

EPA4.4 Where an awarding organisation is obliged to revise a level assigned to an EPA, and does not intend to withdraw that qualification, it must take all reasonable steps to –

- (a) protect the interests of Learners in relation to that qualification,
- (b) promptly prepare, maintain, and comply with a written revision plan, which must specify how the interests of Learners in relation to that qualification will be protected, and
- (c) provide clear and accurate information about the revision to Users of the qualification who are likely to be affected by the revision.

EPA4.5 An awarding organisation must ensure that any revision plan which it prepares complies with any requirements which Ofqual has communicated to it in writing.

Condition EPA5 Technical Evaluation

EPA5.1 In respect of each EPA which it makes available, or proposes to make available, an awarding organisation must –

- (a) comply with the terms of any written notice served by Ofqual requiring the awarding organisation to provide Ofqual with information, and
- (b) comply with any requirements specified to it by Ofqual in relation to the qualification.

EPA5.2 For the purposes of Condition EPA5.1(a), a notice given by Ofqual may –

- (a) specify the time within which the information is to be provided,
- (b) specify a form in which the information is to be provided, and
- (c) require an awarding organisation to provide information whether that information is already in its possession or has to be created or obtained by it.

Condition EPA6 Interpretation and Definitions

- EPA6.1 The rules of interpretation and definitions outlined in General Condition J1 shall apply to the EPA Qualification Level Conditions.
- EPA6.2 Except in the circumstances described in Condition EPA6.3, the requirements imposed by the EPA Qualification Level Conditions apply in addition to the requirements imposed by the General Conditions of Recognition.
- EPA6.3 To the extent that there is any inconsistency between a requirement of a EPA Qualification Level Condition and a requirement of a General Condition of Recognition, such that an awarding organisation could not comply with both such requirements, the awarding organisation must comply with the requirement of the EPA Qualification Level Condition and is not obliged to comply with the requirement of the General Condition of Recognition.
- EPA6.4 In these Conditions, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

Assessment Plan

The version of an apprenticeship assessment plan, published by the Institute for Apprenticeships under section A2(1) of the Act, which is specified in a list published by Ofqual which may be revised from time to time.

Apprenticeship Standard

A standard for an occupation published by the Institute for Apprenticeships under section ZA11(1) of the Act.

Gateway Requirement

A requirement which, under the relevant Apprenticeship Standard, must be completed before a Learner undertakes an assessment for an EPA. This may include any requirements in relation to –

- (a) attainment in English and mathematics,
- (b) attainment of another qualification,
- (c) evidence generated by a Learner, or
- (d) confirmation from a Learner's employer that the Learner is ready to undertake the assessment.

Register of End-Point Assessment Organisations

The register of that name maintained by the Education and Skills Funding Agency.

List of Assessment Plans

List of Assessment Plans

Condition EPA1.1 requires an awarding organisation to comply with any requirements, and have regard to any guidance, contained in the relevant Assessment Plan for each EPA that it makes available or proposes to make available.

Under Condition EPA3.3, an awarding organisation is also required to notify Ofqual where the Assessment Plan for one of its EPAs is reviewed or amended.

An Assessment Plan is defined in Condition EPA6.4 as the version of an apprenticeship assessment plan, published under section A2(1) of the Apprenticeships, Skills, Children and Learning Act 2009, which is specified in a list published by Ofqual and revised from time to time.

We set out the list of Assessment Plans at <https://www.gov.uk/government/publications/external-quality-assurance-of-end-point-assessments-status>. Please note that only the versions of apprenticeship assessment plans listed at the link above will meet the definition of an Assessment Plan in Condition EPA6.4. Ofqual will review any subsequent version of a plan listed below and, where appropriate, amend the list to include that subsequent version.

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