CORPORATE REPORT

# Regulatory Burden Statement 2020

**ofqual**

# Contents

# Introduction

This statement explains how we reviewed our work in the last 12 months to make sure we did not introduce or maintain unnecessary burdens[1]. It also sets out how we propose to manage our regulatory burden in the next 12 months.

Any requirement we place on awarding organisations we regulate is a burden. We evaluate burden as part of regulation and as such our objective is not to remove necessary burden, rather to ensure that it is always exceeded by the benefits achieved through the measures we employ. We also consider how our requirements impact more widely, such as how schools, colleges and learners will be affected.

Our approach to regulatory burden has been informed by the government's better regulation agenda. This includes our contribution to the business impact target (BIT). In the last 12 months we have published a summary of our non-qualifying regulatory provisions as required by the legislation that governs BIT, for the period 21 June 2018 to 20 June 2019[2] as well as an end of parliament report published on 19 December 2019[3].

---

[1] http://www.legislation.gov.uk/ukpga/2009/22/section/170
[2] https://www.gov.uk/government/publications/business-impact-target-2018-to-2019-ofqual
[3] https://www.gov.uk/government/publications/business-impact-target-end-of-parliament-report-2019

# Reviewing our work, April 2019 to March 2020

We require awarding organisations to undertake a variety of activities to help ensure qualifications are of a good quality and fit for purpose for those that use and rely on them. The activities that we ask awarding organisations to undertake include normal regulatory activity as well as activities that are proactive or reactive to ensure standards in qualifications are maintained. The nature and extent of the qualifications issued by an individual awarding organisation will determine how many different activities we require it to undertake. It should be noted that awarding organisations vary greatly in the number and types of qualifications that they offer.

There are several categories of activities that awarding organisations may be asked to undertake. Examples of these categories are activities that give us assurance that awarding organisations are able to comply with our rules, compliance activity and enforcement activities. We also conduct research that awarding organisations may take account of. Finally, when we propose to make changes to our rules we consult widely, asking relevant awarding organisations to respond to our proposals.

In 2019/20 the number of some of the activities we required awarding organisations to undertake increased slightly compared to the previous year.

*Comparison of Awarding Organisation Activity 2019/20 and 2018/19*

| Activity | 2019/20 | 2018/19 |
|---|---|---|
| **Assurance Activity** | | |
| Recognition decisions | 84 | 100 |
| Monitoring preparation for and delivery of GCSE, AS and A level qualifications | 4 exam boards | 4 exam boards |
| Monitoring preparation for delivery of vocational & technical (including applied general) qualifications in performance tables | 20 awarding organisations | 20 awarding organisations |
| Ensuring the maintenance of standards - data collection and analysis for GCSE, AS and A level qualifications | 4 exam boards | 4 exam boards |
| Ensuring the maintenance of standards - data collection and analysis for vocational and technical (including applied general) qualifications in performance tables | 20 awarding organisations | 20 awarding organisations |
| **Compliance Activity** | | |
| Audit Visits | 32 | 31 |
| Technical Evaluation - End Point Assessment | 18 AOs | 18 AOs |
| Technical Evaluation - Essential Digital Skills Qualifications | 8 AOs | N/A |

| Technical Evaluation - Functional Skills Qualification | 11 AOs between 2018 and 2019 | |
|---|---|---|
| Investigation Visits | 3 | 3 |
| Submit Annual statement of compliance | 161 | 156 |
| *Regulatory action activity* | | |
| Direction | 0 | 2 |
| Fines | 3 | 3 |
| Undertakings | 7 | 9 |
| *Other* | | |
| Consultation decisions | 11 | 11 |
| Information notices requiring a response | 127 | 47 |
| Information requests requiring a response | 245 | 227 |
| Research publications | 19 | 17 |
| Scheduled data collections | 51 | 49 |

We also managed burden by:

1. Being mindful that the Department for Education reform of qualifications in the vocational and technical sector will mean some additional burden for awarding organisations who choose to offer these qualifications. We worked to design and implement rules for these qualifications that would minimise burden where possible. During the year we asked awarding organisations to engage with our work in this area through our consultation processes, this was additional targeted burden in year but should minimise burden over time as awarding organisations understand our requirements.

2. Seeking to mitigate the burden of running parallel consultations by running them over extended periods to allow respondents opportunity to plan their approach to responding, and by holding events at which we can gather views, even where respondents have been unable to respond formally. We responded to awarding organisations' feedback on our 'awarding organisation controls for centre assessment' consultation. We did this by allowing additional time to manage the implementation of our requirements for centre assessment standards scrutiny (CASS).

3. Being mindful of how and when we collect data and information from awarding organisations. We publish our reporting schedule and data requirements in advance which provide details of our standard data requirements from awarding organisations. This is so that awarding organisations can plan their submissions during the year. Where possible, we offer awarding organisations opportunity to give feedback on new data collections before they are finalised. When planning new data collections we also offer awarding organisations a pilot collection first, where appropriate, to ensure that exam boards are given the opportunity to practice submitting data against new collections and give us feedback.

4. Holding quarterly data forum group meetings where the exam boards and our fellow regulators Qualifications Wales and the CCEA Regulation, the Northern

Ireland regulator, discuss how we can work together to mitigate or remove burden when we make requests for data.

5. Continuing to develop and enhance the Portal, our online system for communicating with awarding organisations. We launched further options to make our communications with awarding organisations more effective and efficient including adding a 'regulation team' role to ensure communications with responsible officers are distributed to all relevant staff within awarding organisations.

6. Planning the release of our communications in a way that helps awarding organisations engage with them.

7. Sharing our findings from audits, wherever possible, so that all awarding organisations can benefit from our insights regarding the current practice of other awarding organisations. For example, we published our lessons learned from our conflicts of interests audit on the Portal and we also held half day workshops to further understand how awarding organisations manage conflicts of interest.

8. Engaging with organisations before they submit a recognition application to us. We make information available to applicants and offer the opportunity to meet with experienced Ofqual staff. If they become regulated, applicants will understand what is expected of them.

9. Continuing to work with the Institute for Apprenticeships and Technical Education (the Institute) to make sure that our requests for information to be able to recognise End-Point-Assessment organisations is as efficient as possible. In relation to Technical Qualifications in T Levels, we have established a Quality Framework with the Institute designed to minimise burden and avoid duplication.

10. Working with Qualification Wales and CCEA Regulation to ensure that our consultation on proposed changes to the Conditions of Recognition aligned, as far as possible, across the three regulators. We have been working closely with our fellow regulators in order to minimise any regulatory divergence and to seek to align our requirements as far as is possible, and where our different statutory obligations allow.

11. Publishing the Qualifications regulators' statement on joint working to reduce burden on our Awarding Organisations [4]. This informs awarding organisations on how we manage burden across the three regulators.

---

[4]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/838214/3_regulators_working_together_-_burden_reduction_statement.pdf

12. Ensuring that our enforcement action was necessary. For example, we used our fining powers only when needed and in a way that was proportionate to the circumstances of the individual case.

# Reviewing our work and managing regulatory burden, April 2020 to March 2021

On 18 March 2020, the Secretary of State announced[5] that the summer 2020 exam series would be cancelled in order to help fight the spread of the Coronavirus (COVID-19) and that students due to sit the exams would be awarded a grade based on an assessment of the grade they would have been most likely to achieve had exams gone ahead. The Secretary of State also announced that students would have the opportunity to sit exams as soon as reasonably possible after schools and colleges reopen. On 3 April, we published information[6] on how grades would be issued for GCSEs, AS and A levels, Extended Project Qualifications and the Advanced Extension Award in maths. On 9 April, we also published information on how summer 2020 results for vocational, technical and other qualifications would be awarded.[7]

We recognise that the way qualifications and grades will be awarded for summer 2020 places new requirements on awarding organisations and that these requirements will inevitably place burden on those awarding organisations. The additional burden can be balanced against some activities which will no longer be necessary, such as the delivery of exams or the marking or moderation of papers. In setting the requirements we have worked closely with awarding organisations, the Department for Education and key stakeholders. Our overriding priority for all qualifications has been to develop a process which is applied fairly and consistently, so that standards are maintained and all those who use qualifications can continue to have confidence in their value.

In the next 12 months we will also aim to review our work by:

1.  Considering responses to our consultations where feedback indicates where any burden may be removed or mitigated. We will be consulting on the arrangements for awarding both general qualifications and vocational and technical qualifications in 2020, with each of these consultations having full regulatory impact assessments. We will also continue to ask for evidence from awarding organisations so that our cost-benefit analysis in regulatory impact assessments are correct. The information will inform our impact assessment calculations, minimise burden where appropriate and help improve our decision making.

---

[5] https://www.gov.uk/government/news/schools-colleges-and-early-years-settings-to-close
[6] https://www.gov.uk/government/news/how-gcses-as-a-levels-will-be-awarded-in-summer-2020
[7] https://www.gov.uk/government/news/awarding-vocational-and-technical-qualifications-this-summer

2. Ensuring that our planned new data collections for vocational and technical qualifications allow us to analyse and, where needed, publish data that helps to meet our statutory objectives.

3. Continuing to work with the Institute for Apprenticeships and Technical Education. We are designing processes that streamline the approval and accreditation process for Technical Qualifications, including for the submission of documentation to both the Institute and Ofqual, to avoid duplication where possible.

4. Ensuring our programme for recognising new End Point Assessment Organisations is planned in such a way that we minimise burden on all End Point Assessment Organisations.

5. Wherever possible, sharing information with Qualification Wales and CCEA Regulation on operational activities and areas of policy development, and working together where appropriate, as we regulate many of the same awarding organisations. This may avoid duplicate requests for information and support coordinated responses to issues, where appropriate.

6. Continuing to evaluate whether our rules for reformed general qualifications have worked as we intended, refining our rules if necessary.

7. Considering introducing a way for awarding organisations to tell us about areas in which they wish to innovate in order for us to talk about potential issues including compliance issues. This will remove uncertainty and potential future regulatory burden from awarding organisations.

We anticipate that in the coming years awarding organisations may experience an increase in burden through the introduction of new rules that are designed to ensure standards in vocational and technical qualifications are maintained. We believe that any burden we might impose will be proportionate and enable us to meet our objectives and duties.

We will continue to identify opportunities in our regulatory activities and processes to minimise or not maintain unnecessary burden. We will also listen and respond to any feedback from awarding organisations that we are imposing or maintaining unnecessary burden on them.