The regulation of Digital Functional Skills qualifications

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Contents

Introduction

The new Digital Functional Skills qualifications

The Department for Education (referred to as the Department in this document) is introducing new qualifications called Digital Functional Skills qualifications (FSQs) that seek to provide students with the core digital skills needed to fully participate in society. The Department is introducing them as part of its plans to improve adult basic digital skills and the new qualifications will sit alongside Essential Digital Skills Qualifications as part of the government's adult digital offer.

As set out by the Department, Digital FSQs will be introduced from August 2023 and will be new qualifications replacing the existing Functional Skills Qualifications in Information Computer Technology (FSQs in ICT). Unlike FSQs in ICT, which are available at Level 1, Level 2 and Entry levels 1, 2 and 3, Digital FSQs will be based on Entry level and Level 1 subject content.

The Department published the final subject content for digital FSQs on 29 October 2021 following a consultation in May 2019. Awarding organisations will use this subject content to create the new qualifications.

Ofqual's approach to regulating Digital FSQs

Ofqual will regulate Digital FSQs and consulted on policy proposals for the regulation of the new qualifications, taking account of the letter received from the then Minister of State for Skills and Apprenticeships. This consultation took place at the same time as the Department's consultation on the subject content.

For Digital FSQs to satisfy their intended purpose, as set out by the Department, Ofqual seeks to strike the right balance between the controls that we put in place and the validity of the assessments.

This document sets out the decisions we have made following our consultation. In reaching our decisions, we considered:

- the consultation responses we received
- the views of attendees at our events dedicated to discussing this consultation with awarding organisations
- decisions made by the Department following their consultation on the draft subject content

Summary of decisions

We have decided to implement the following proposals, which the majority of respondents supported, without change, to:

- regulate primarily through the General Conditions of Recognition, with a limited number of subject-level Conditions

- include a purpose statement within the introduction to our Conditions document which aligns with the purpose statement set out by the Department for these qualifications

- adopt the subject content developed by the Department into our subject-level Conditions

- require qualifications to be awarded at Entry level 3 and Level 1 only

- introduce a bespoke rule for Total Qualification Time to reflect the Department's decision that the qualifications will have 55 hours of guided learning

- not set rules around the weightings of skills areas in the subject content but expect a reasonable balance across the skills areas

- require that all assessments are set by the awarding organisations

- require that marking of assessments at Entry level 3 is permitted to be conducted either by the awarding organisation, or a centre, or both

- require that marking of assessments at Level 1 is conducted by the awarding organisation

- permit centre adaptation of contexts for assessments at Entry level 3, but not at Level 1

- require a single Pass or Fail grading model

- require a mark-based approach to assessment, with a student's results being based on overall performance across the whole of the assessment or assessments and with decisions about grading to be made separately from marking

- consult on expecting assessments to generally be made available online and on-screen but not to set any other rules around assessment availability

- not require a single technical approach to setting and maintaining standards but to require awarding organisations to explain the approach

they intend to use and to require that whatever approach is used, it is based on a range of quantitative and qualitative evidence

- regulate differently for the first year of awards and to adopt an enhanced level of scrutiny of qualification outcomes post results at level 1

- require all awarding organisations to explain and justify the approaches they are taking to designing, delivering and awarding their qualifications in an assessment strategy document

- put in place arrangements for there to be a technical evaluation of the new qualifications, and for awarding organisations to comply with any requirements we set around this process

- set a 12-month transitional period for the withdrawal of FSQs in ICT and the introduction of the new Digital FSQs

- disapply General Conditions E1.3-1.5 (Qualifications to have support), E7 (Total Qualification Time) and E9 (Qualification and component levels) to remove regulatory burden or to allow for bespoke subject level conditions

Some of our consultation questions were deliberately open-ended and we have developed our thinking in light of consultation feedback and changes to the Department's subject content. We will now consult on our remaining proposals and on the draft subject-level and qualification-level Conditions, requirements and guidance, which would bring into effect any proposals we decide to implement following this consultation.

Details

Our approach to regulating these qualifications

What we proposed

We asked for comments on the key policy considerations that influenced our overall approach to regulating these qualifications. Those considerations are set out below.

Links to other reform programmes

We were asked by the Minister of State for Skills and Apprenticeships to take forward the improvements we have made to FSQs in English and maths, and to

reinforce understanding of the Functional Skills brand. Therefore, unless there were subject-specific reasons why we should not do so, our proposals for Digital FSQs mirrored those implemented already for the reformed FSQs in English and maths. In some areas, however, we proposed the same regulatory approach as that taken for Essential Digital Skills Qualifications because both qualification types are based on similar content.

Balancing comparability and control with validity and innovation

The government set an expectation that employers and students should have confidence that the level of Digital FSQ achieved is comparable, irrespective of the awarding organisation they choose or the year in which the assessments are taken. This focus on comparability leads towards a regulatory approach which limits flexibility in the design of qualifications. We recognised, however, that there was a fine balance to be struck in setting rules centrally and permitting awarding organisations to develop innovative approaches to assessment.

Considering the different uses of Entry level and Level 1 Digital FSQs

We took into consideration the different uses and associated risk factors when developing the Conditions and regulations we put in place for the qualifications at the different levels.

This led us to propose a higher level of control by awarding organisations for Level 1 Digital FSQs, because of their use to support progression to employment and further study.

Conditions, requirements, and guidance

Our General Conditions of Recognition were designed to enable us to regulate a wide range of qualification types. We therefore proposed, as far as possible, to regulate Digital FSQs and the awarding organisations that deliver them against the General Conditions.

However, we needed to introduce some Digital FSQ-specific Conditions and Guidance in order to achieve the government's curriculum intentions, to ensure public confidence in the qualification, and to guarantee the maintenance of standards over time and between awarding organisations.

We also proposed to disapply a small number of General Conditions, either to reduce unnecessary regulatory burden on awarding organisations, or where we were proposing to produce bespoke Digital FSQ Conditions and Guidance.

We asked

> **Question 1**
>
> Do you have any comments on our proposed approach to regulating Digital FSQs?

Responses received

There was broad agreement that we should regulate as far as possible through the General Conditions of Recognition, but that a small number of subject-specific Conditions would also be necessary to support comparability between awarding organisations. Some respondents stated that the number of subject-specific Conditions should be kept to a minimum to avoid placing unnecessary regulatory burden on awarding organisations.

Disapplying a small number of General Conditions, to reduce regulatory burden or because Digital FSQ-specific Conditions were being introduced, was also considered to be helpful by some respondents.

There was also some agreement that we should require a higher level of awarding organisation control for Level 1 qualifications, which are more likely to be used to support progression, compared to Entry level 3 qualifications.

There were, however, some challenges to our approach. Some respondents questioned why Digital FSQs should be regulated in a similar way to the reformed FSQs in English and maths, when they were not going to be used in the same way, that is, they would not contribute to school and college accountability measures. We were asked to provide greater clarity on the need for, and differences between, the 2 types of digital qualifications, Digital FSQs and Essential Digital Skills qualifications, and why different regulatory approaches were needed for what appeared to be very similar qualifications.

We also had feedback that our proposed regulatory approach to introduce subject-level Conditions for Digital FSQs was overly burdensome and prescriptive and likely to reduce flexibility.

Some respondents made other comments which were relevant to specific questions, in particular regarding qualification levels and the lack of a Level 2 FSQ and the overall assessment model, which are considered later in this document, or on the

scope of the subject content which is the responsibility of the Department rather than Ofqual.

Our decision

In its [Improving Adult Basic Digital Skills consultation response](#), the Department confirmed that they would introduce 2 new types of qualifications – Essential Digital Skills qualifications and Digital FSQs. They also took account of the feedback received to the subject content consultation to help distinguish between the 2 qualifications.

The Department has also set out the differences between the 2 qualifications. Essential Digital Skills qualifications are smaller qualifications (30 to 50 hours of guided learning, GLH) compared with Digital FSQs (55 GLH). Essential Digital Skills qualifications are not required to cover all of the skills statements in each skill area of the national standards. As we explain later in the section on the interpretation and coverage of subject content, we propose to set a requirement that assessments in Digital FSQs are designed to cover all subject content statements, as the Department expects all subject content to be taught.

To support user confidence in the FSQ brand and qualification type, we consider it necessary to regulate Digital FSQs in a way which supports the comparability of assessments, both between awarding organisations and over time.

Since the consultation, the Department has said that Digital FSQs may be used more widely than just with adults and may play a part within 16 to 19 study programmes. We think that this confirms the need for us to regulate as we proposed because of the higher risks arising from these wider uses.

We have reflected on whether our proposed approach is likely to be over-burdensome or reduce flexibility. We accept that by setting rules around assessment design, we place some limits on the ability of awarding organisations to develop different assessment approaches. We consider, however, that this is necessary to support comparability.

As discussed later in this document, we believe that the final assessment model will be manageable for awarding organisations and centres, and that we have given awarding organisations sufficient flexibility around assessment delivery and assessment availability to respond to the needs of different types of centres and students.

We have therefore decided that we will not make any changes to our overall approach to the regulation of Digital FSQs as set out in our policy consultation.

Qualification design

Qualification purpose

What we proposed

We asked for comments on the following qualification purpose statement, which we proposed to include in the introduction to our Conditions to frame and provide context for all our rules for Digital FSQs:

Digital FSQs will:

- through sufficiently robust controls, provide reliable evidence of an individual's achievements against demanding content that is relevant to the workplace and real life

- provide assessment of an individual's underpinning knowledge as well as their ability to apply this in different contexts

- provide a foundation for progression into employment or further education, and develop skills for everyday life

We asked

Question 2

Do you have any comments on the qualification purpose statement for Digital FSQs?

Responses received

The majority of respondents agreed that we should include a qualification purpose in the introduction to our bespoke Conditions for Digital FSQs. However, we received feedback that the similarity of the purposes between Digital FSQs and Essential Digital Skills qualifications could be confusing to users. The similarity of purpose might also lead to qualification choice based on size in relation to funding levels, rather than on student needs. It was felt that it should be made clearer that the main purpose of Digital FSQs should be preparation for employment and further study, whereas Essential Digital Skills qualifications are more aimed at everyday life.

We also received feedback that the language used in the purpose statement suggested that Digital FSQs were of greater value than Essential Digital Skills

qualifications, for example 'achievements against demanding content', even though the 2 types of qualifications have similar purposes and content.

Awarding organisations also said that the purpose as drafted by the Department, and adopted by Ofqual, was insufficiently defined for awarding organisations to develop business cases to offer both Digital FSQs and Essential Digital Skills qualifications.

Although Digital FSQs are primarily intended for adult learners, there was some support for our proposal to build in regulatory controls up front to cover a range of potential uses for Digital FSQs, rather than trying to introduce them at a later date.

Some respondents also suggested that Digital FSQs should be a mandatory design component of apprenticeships.

Our decision

As shown below, the Department has made some minor changes (including removing the word 'demanding') to the qualification purpose, but has decided that it should remain broadly consistent with the qualification purposes for other reformed FSQs.

Digital FSQs should fulfil the following purposes:

- to provide reliable evidence of a learner's achievements against content that is relevant to the workplace and real life

- to provide assessment of a learner's knowledge and skills as well as their ability to apply these in different contexts

- to provide a foundation for progression into employment or further education and develop skills for everyday life

As we have explained earlier, the Department has confirmed that they wish to proceed with the introduction of both types of new digital qualifications.

We have decided, therefore, that we will include the above qualification purpose statement, in the introduction to our Conditions, to frame and provide context for all our rules for Digital FSQs.

However, we no longer consider that it is necessary to add the additional phrase 'sufficiently robust controls' in the qualification purpose, as that is implicit in the intention to provide reliable evidence. We take the view that the purpose statement without this additional wording is sufficient for us to regulate in ways which support comparability and lead to sufficient levels of awarding organisation control should the qualifications be used more widely than just with adults.

Subject content

Adopting the subject content into our regulatory framework

What we proposed

In order to secure comparability and to regulate Digital FSQs effectively, we proposed that we adopt the Department's subject content into our regulatory framework.

To do so, we said that we must be confident that:

- the demand of the content is appropriate for the level and size of the qualification

- it is possible to assess the knowledge, understanding and skills that the content contains in a sufficiently valid way

- the content requirements are specified in a way that is sufficiently clear for us to regulate against them

We asked

Question 3

To what extent do you agree or disagree that we should adopt the DfE's subject content into our regulatory framework?

Responses received

The majority of respondents agreed or strongly agreed that we should adopt the subject content into our regulatory framework to support comparability between awarding organisations and enable us to regulate effectively.

Some of those who agreed with our proposal caveated their response by saying that we should only adopt the subject content once the Department had addressed any concerns raised by awarding organisations and other stakeholders in response to their consultation on the subject content.

Those who disagreed with our proposal commented that we should not adopt the subject content into our regulatory framework because of concerns about the range

of skills and knowledge included in the subject content, and whether they could be assessed, or because of the lack of a Digital FSQ at Level 2.

We were also challenged on why we were proposing to adopt the subject content for Digital FSQs into our regulatory framework, when we had not done so for the Department's national standards for essential digital skills which underpin Essential Digital Skills qualifications. Concern was expressed about the implications of the Department's plans to review the national standard every 3 years. It was suggested that, should we adopt the subject content into our regulatory framework, there could be a delay between updating the national standards and updating the subject content. This was because we would need to consult on any changes to the subject content as it was included in our bespoke Conditions for Digital FSQs.

Our decision

The Department has revised the subject content in light of the consultation feedback they received and has worked closely with awarding organisations to ensure that they can develop qualifications from the subject content.

We have not adopted national standards underpinning other qualifications into our regulatory framework. We accept that should the Department revise the national standards for essential digital skills and consequently change the subject content, that we would need to change our bespoke Conditions for Digital FSQs. This would not prevent us, however, from adopting the subject content into our regulatory framework.

The Digital FSQ subject content has been developed by the Department at Entry level and Level 1 only and the lack of Level 2 subject content also does not prevent us from adopting it.

We have decided, therefore, that we can regulate against the latest version of the subject content developed by the Department and that it should be adopted within our regulatory framework, as we have done with the subject content for other qualifications, such as the reformed FSQs in English and maths.

Interpretation and coverage of subject content

What we proposed

We proposed to set rules so that all awarding organisations took the same approach to interpreting the subject content statements (that is treating all knowledge statements as knowledge statements and all skills statements as skills statements for the purpose of assessment). Otherwise Digital FSQs offered by different awarding organisations would not be comparable.

We also recognised that demonstration of some of the skills statements would be difficult to assess in formal assessment situations (that is assessment which was externally set and sat under controlled conditions). We proposed that for these skills, it would be better for a student's ability to be demonstrated and assessed through the course of study, and for evidence of this to be presented to the awarding organisation, rather than be included within the formal assessment.

Accordingly, we proposed to set rules which made it clear how the different subject content statements should be interpreted for the purpose of assessment.

We asked

Question 4

To what extent do you agree or disagree that we should set rules and guidance around how awarding organisations should interpret and treat the subject content statements for the purpose of assessment?

Question 5

To what extent do you agree or disagree that we should require certain content statements to be covered within the course of study, rather than in the formal assessment?

Responses received

Interpretation of subject content

The majority of respondents agreed or strongly agreed with our proposal to set rules around the interpretation of the subject content.

Those who agreed or strongly agreed felt that our proposal would support comparability between awarding organisations by having a consistent interpretation of the subject content statements, and would avoid a 'race to the bottom' where decisions about assessment were made for reasons of cost or manageability rather than validity of assessment.

However, we also received feedback that we should make sure that any rules we might set do not stifle innovation or risk over-assessment, for example, by ruling out the indirect assessment of knowledge through the demonstration of practical digital skills.

We were also asked to clarify how awarding organisations should interpret the bracketed content in the subject content statements and other statements which include multiple requirements, and had proved problematic in other qualifications.

We also received some comments on the range of skills and knowledge covered in the subject content, rather than on our proposals around interpretation.

Covering some subject content statements through the course of study

Although the majority agreed with our proposal, views were slightly more divided on whether we should require some subject content statements to be covered through the course of study, rather than included in the formal assessment.

We received feedback that agreed that it would be difficult to assess some of the practical subject content statements through a formal assessment.

It was suggested that it might be difficult to assess practical digital skills in a specified time period, particularly if there were problems with accessing the internet. We also received feedback that the scope of the subject content was such that it may not be practicable to cover all the content within a single formal assessment. Other feedback suggested that assessing practical skills through coursework was a more intuitive way for students to work and that many of those skills likely not to be covered through the formal assessment would be the most important skills for progression to employment or further study.

Some respondents asked for clarification on which subject content statements would not be covered in the formal assessment, how awarding organisations would be expected to quality assure this content, and what the contribution of this content would be to the overall award of the qualification. It was also suggested that subject content statements which were not included in the formal assessment should not be part of the subject content.

We also received feedback that it would be difficult to assess some of the content statements even as part of the course of study, and that further consideration should be given to the cost and manageability of the overall assessment model for Digital FSQs.

We were also asked to clarify the difference between Essential Digital Skills qualifications and Digital FSQs if all skills areas and subject content statements did not have to be formally assessed within Digital FSQs, as is the case with Essential Digital Skills qualifications.

We also received feedback that there was risk of ruling out awarding organisations developing innovative approaches to assessment by establishing rules prematurely.

Our decision

Interpretation of subject content

In light of the changes to the subject content and the consultation feedback we received, we have decided to adopt a different approach to ensure that awarding organisations interpret the subject content consistently to support comparability between awarding organisations and over-time.

We now think that identifying subject content statements as either a knowledge statement or a practical skills statement for the purpose of assessment might lead to an atomistic approach to assessment and increase predictability, especially when the skill or knowledge to be tested is quite narrow in focus.

Instead, we have decided to set rules around the weighting of marks which could be gained through tasks and activities assessing practical digital skills and those gained through tasks and activities assessing knowledge.

We will now consult on a minimum weighting of 70% of marks gained through the assessment of practical digital skills. The remainder of the marks should be allocated to questions or tasks which assess knowledge. This balance would maintain the focus of the qualification on the demonstration of practical digital skills, but would give awarding organisations greater flexibility to design less predictable and potentially more innovative assessments.

We will require awarding organisations to justify their approach to the interpretation of subject content statements for the purposes of assessment in their assessment strategy, together with their weightings.

The final version of the subject content also sets out how progression between the 2 qualification levels should be evident in terms of:

- the complexity of the tasks and activities, and any related information
- the number of stages within tasks and activities
- the extent to which the requirement(s) is set out for, or has to be determined by, the student

We also propose to reflect this in our guidance on assessment design to support the development of consistent approaches between the qualification levels between awarding organisations and will consult on this proposal.

Covering some subject content statements through the course of study

We agree that there is a risk that, by identifying some statements as being assessed on-course and not as part of the formal assessment, we discourage awarding organisations from being innovative in their approach to assessment design and delivery. It also might suggest, wrongly, that some subject content statements are more important than others, as well as adding to the complexity of the overall assessment model.

We also think that the changes to the subject content have significantly reduced the number of practical subject content statements which might be difficult to assess in a formal assessment situation, although we recognise that this will be dependent on awarding organisations' approach to assessment design and delivery.

As such, we will not split subject content statements into those assessed in the formal assessment and those assessed on-course.

Instead, we will now require the assessment (or assessments), at both qualification levels, to be designed to be able to cover all subject content statements.

Awarding organisations will be required to explain their approach to coverage of the subject content statements in their assessment strategy.

Sampling subject content

What we proposed

For those subject content statements that would be covered in a formal assessment (rather than those which would be assessed through the course of study), we proposed to set sampling rules so that awarding organisations were required to take a consistent approach to the sampling of subject content.

We said that we would expect all of the subject content statements that would be part of the formal assessment to be covered in each set of assessments.

We also proposed that, where individual content statements have a wide scope of knowledge or skills listed in brackets, we would expect that the content in brackets was sampled over time.

We also proposed to clarify the approach awarding organisations should take where the content in brackets is illustrative only.

We asked

Question 6

To what extent do you agree or disagree that we should set rules around the sampling of subject content?

Responses received

All respondents agreed that we should set rules around the sampling of content to support comparability by having a consistent approach between awarding organisations.

Respondents also agreed that we should provide guidance on how to sample the content in the brackets in the subject content statements.

However, we received some feedback that requiring each assessment to cover all subject content statements could lead to long, unmanageable, predictable and contrived assessments. It was also suggested that it would discourage awarding organisations from developing tasks and activities which gave students the opportunity to use different approaches to achieve an outcome as it would make it more difficult to guarantee coverage of subject content statements.

Instead, it was proposed that we should permit awarding organisations to sample from the subject content statements across assessments and over time, rather than within each assessment.

Our decision

Although the number of subject content statements has reduced in number, there are still 24 statements at Entry level and 27 at Level 1.

In light of our earlier decision to require that assessments are capable of assessing all subject content statements, we think that there is a risk that requiring coverage of all subject content statements within each assessment could lead to superficial and predictable assessments which don't have a focus on application, or to over-long and unmanageable assessments.

Our decision is to set rules around the sampling of assessments which requires the sampling of the subject content statements across assessments over time, as well requiring the sampling of content in the brackets in the subject content statements.

Awarding organisations will be expected to cover as many of the subject content statements as possible and to ensure that there is a reasonable balance across all skills areas by requiring that assessments sample from each skill area, in each assessment (this is discussed further below).

We will also require awarding organisations to explain their approach to sampling in their assessment strategy.

Weightings of skills areas in the subject content

What we proposed

We did not propose to set weightings for the 5 skills areas in the subject content, but said that we would expect awarding organisations to ensure that there was a reasonable balance across the skills areas within each set of assessments. This approach would aid comparability both between awarding organisations and over time, without placing undue constraints on assessment design.

We asked

Question 7

To what extent do you agree or disagree that we should not set rules around weighting of skills areas but should instead require awarding organisations to ensure a reasonable balance across the different skills areas?

Responses received

The majority of respondents agreed or strongly agreed with our proposal.

We received feedback that weightings could quickly become out of date because of the continuous evolution of digital subject content, might constrain assessment development, and could lead to assessments that are not authentic.

Other respondents agreed with our approach because it was consistent with that taken for the reformed FSQs in English and maths.

Those who disagreed or strongly disagreed felt that common weightings were necessary to support comparability between awarding organisations and over time, and that it would be less confusing for centres and teachers if weightings were the same.

Other feedback suggested that setting weightings would support consistency because otherwise awarding organisations might take different approaches to ensuring that there is a reasonable balance across the skills areas.

Our decision

In light of our earlier decisions to set a minimum weighting for the number of marks gained through the assessment of practical digital skills, and to permit sampling of subject content, we continue to think that setting weightings for the skills areas would add unhelpful complexity which might constrain assessment design.

We think that we can ensure sufficient comparability by requiring awarding organisations to ensure a reasonable balance across the skills areas by sampling from each skills area in each assessment.

We have therefore decided not to set weightings for the skills areas but will require awarding organisations to explain in their assessment strategy how their approach meets our requirements.

Assessment design

Principles for assessment design

What we proposed

We proposed the high-level principles set out below that we would expect the assessments to be designed against, and asked whether they would support the design and delivery of qualifications which are innovative and fit for purpose, and which fulfil the intentions of the subject content.

We also invited views as to the form that the assessments should take.

We consulted in this way because we recognised that there may be different valid approaches to assessment design and we wanted to avoid regulatory burden by introducing additional rules if they were not necessary.

We said that we may, at a later date, decide to set controls around assessment design, based on these principles.

1. Learners should demonstrate their skills by using digital devices to complete tasks set in contextualised and authentic scenarios

2. Learners should have the opportunity to select approaches, techniques and tools to complete those skills-based tasks, using real-life applications and tools and with access to the Internet

3. As far as possible, knowledge and skills should be assessed together, reflecting real-life scenarios, and the number of assessments should be the minimum necessary to assess the subject content

4. That said, only the knowledge statements in the subject content should be assessed through tests of knowledge (either via multiple choice questions or by providing open-ended answers to questions)

5. Assessments should be designed so that they can be delivered on-screen and/or or online, reflecting today's digital world

6. Awarding organisations should make full use of recent advances in digital technology to enhance the quality and relevance of assessments.

We also asked whether there were any regulatory or equalities impacts arising from the principles.

We asked

Question 8

Do you have any comments on the principles set out above, or as to the form the assessments should take?

Question 9

Are there any regulatory impacts arising from the proposed principles?

Question 10

Are there any equalities impacts arising from the proposed principles?

Responses received

There was broad support for many of the high-level principles and for our intention to have digital skills assessed in a way that reflects the digital world today.

However, we also received feedback that introducing rules around assessment design could increase regulatory burden and might limit innovation. It might also restrict the ability of awarding organisations to develop assessment approaches, which would be accessible to the widest range of centres and students.

Some respondents also expressed concern about the overall cost and manageability of the emerging assessment model – a formal skills assessment which might require investment in new technology, plus on-course assessment, with some form of moderation or verification, plus a separate knowledge test. We were also asked to clarify whether the principles applied to the on-course assessment.

We also received comments on the principles themselves, many of which highlighted concerns about the scope of the subject content, the range of digital devices students would be expected to use or know about, and the capacity of teachers' to deliver the new qualifications.

We also received feedback about the delivery of the qualifications. We were asked to define on-screen and online. It was argued that requiring assessments to be delivered online only might prove challenging for awarding organisations, as well as being difficult for centres to manage. Some centres would have restricted access to the internet, in particular prisons or the secure estate, and even those with internet access may have difficulties, depending on their web browsers, firewalls and accessibility rights. It was suggested that, in a work situation, students would interact with a combination of paper and digital devices, which should be reflected in the assessments rather than requiring them to be delivered on-screen and online.

We were asked to provide guidance on how awarding organisations should manage risks to assessment security if unlimited access to the internet is permitted during assessments.

We were also asked to clarify what we meant by 'full use of recent advances in digital technology to enhance the quality and relevance of assessments' and whether we would permit the use of simulated applications and web pages, even though they might not provide an authentic experience for students.

Responses received in relation to the regulatory and equalities impacts of the proposed principles have been reported and considered in the Regulatory and Equalities Impact analysis sections.

Our decision

In light of this feedback and our earlier decisions about the interpretation of subject content, we have looked again at the need for the principles. We have also compared the principles with the final version of the subject content published by the Department.

We have concluded that we should reflect these principles either as requirements or guidance in our Digital FSQ framework. This is because as currently drafted we don't think that they are guiding principles to inform awarding organisations' decisions. They are more appropriately viewed as either requirements or guidance which we would expect awarding organisations to comply with or have regard to. This approach will also better support comparability across awarding organisations.

Furthermore, the final version of the subject content also means that some of these principles are no longer needed because of changes to the subject content.

We will cover principles 1, 2 and 3 in our guidance on assessment design.

Principle 4 is no longer necessary because of the changes to the way the subject content is set out and the approach we are now proposing to take to the interpretation of the subject content, as explained above in the section on the interpretation and coverage of subject content.

The remaining principles 5 and 6 relate to the delivery of the assessments. We still think that delivering the assessments on-screen and online is consistent with and supports the purpose, learning aims and outcomes of the qualifications.

We have seen through the technical evaluation process for Essential Digital Skills Qualifications that in most cases awarding organisations were able to design their assessments to be delivered on-screen and online and that this has supported the development of authentic and innovative approaches to the assessment of practical digital skills.

In addition, the COVID-19 pandemic has driven an expansion of digital and online delivery of teaching, learning and the assessment for many qualifications. Some of the concerns expressed by centres and awarding organisations about the capacity of centres to run assessments online are now less likely to apply. However, we accept that some centres may still have limited IT infrastructure.

We have therefore considered whether, alongside on-screen and online assessments, there is any need to require awarding organisations to make assessment materials available in paper-based formats. To clarify, in the context of Digital FSQs, assessment materials that are made available in paper-based formats will still require students to use digital devices, such as a computer or phone, to complete the questions and tasks in the assessment. We think however that requiring awarding organisations to make assessment materials additionally available in paper-based formats would be overly burdensome and might increase risks to comparability and standards setting.

We have therefore concluded that it would be more proportionate to take a different regulatory approach. Instead, we propose to permit awarding organisations to make assessment materials available in paper-based formats where they consider this is

necessary for some settings. This may include some adult and community learning settings where internet access may not be sufficient to run assessments online. Paper-based formats for assessment materials will also be permitted as part of reasonable adjustments or the application of special consideration.

We will expect awarding organisations to have assurance processes in place to ensure that centres who wish to use paper-based assessment materials can justify their request. We propose to require awarding organisations to set out in their assessment strategy how they will do this. We will now consult on this guidance on assessment design and delivery.

To support the development of consistent approaches across awarding organisations, we propose to define on-screen and online in the guidance.

We have not however said in the guidance, that assessments should make full use of recent advantages in technology (principle 6), as we agree that this cannot be defined.

We also think that trying to set requirements around access to the internet during the assessment would risk constraining assessment design and delivery but we will expect awarding organisations to explain in their assessment strategy how they have balanced the need for access to the internet to complete some assessment tasks, with the security of the assessment overall.

Number of components

What we proposed

We proposed that we should put in place a requirement around the number of components for Digital FSQs to support comparability between awarding organisations.

Our starting point was that Digital FSQs should be made up of a single component. This was because of the inter-related nature of the 5 skills areas and the knowledge and skills within the subject content, and because it is important that components are sufficiently large individually that they cover a meaningful amount of the subject content. We felt that there was the potential that having a large number of components could lead to technical issues. For example, if students performed unevenly between different components, the pass grade boundaries for each component may have to be fairly low to avoid a low overall pass rate.

We asked

Question 11

To what extent do you agree or disagree that we should set rules around the number of components within Digital FSQs?

Question 12

To what extent do you agree or disagree that Digital FSQs should be made up of a single overall component?

Responses received

The majority of respondents agreed or strongly agreed that we should set a requirement around the number of components in Digital FSQs.

Of those that agreed or strongly agreed, some respondents said that this requirement was necessary to support comparability between awarding organisations and user and employer confidence in the qualifications. Others said that permitting awarding organisations to have different numbers of components might drive centre choice as the qualification with the smallest number of components would be perceived to be an easier qualification to achieve.

However, we also received feedback from those who disagreed, that decisions about the number of components should be left to individual awarding organisations to be developed in light of their overall assessment approach. They also said that it was difficult to comment on the proposal without a full understanding of which skills would not be part of the formal assessment.

Views on the number of components were more divided. Some respondents agreed that having more than one component would be a barrier to achievement and that one component appropriately reflected the inter-related nature of the skills areas. Others said that employers would expect to see achievement of the different skills areas separately reported. Some respondents wanted 2 components, one for the assessment of practical skills and one for the assessment of knowledge.

We also had feedback that further clarification was needed on how much of the subject content would fall within the formal assessment and how much within the on-

course assessment, and on the expected approach to the assessment of knowledge, before a decision could be made on the number of components.

Our decision

We recognise that setting a requirement around the number of components limits flexibility in the design of qualifications but this higher level of control is necessary to support comparability between awarding organisations. It is also consistent with the approach we have taken with the reformed FSQs in English and maths.

As such, we have decided to implement our proposal to set a requirement around the number of components.

We understand that because a final version of the subject content was not available, it was difficult for some respondents to form a view about the appropriate number of components for Digital FSQs. The final version of the subject content is now available and we have considered this version in reaching our decision.

In light of our earlier recommendations to introduce weightings for the assessment of knowledge and skills and to move away from formal and on-programme assessment, we think that a single component is appropriate for qualifications at both levels. This reflects the size of the qualifications, and the inter-related nature of the skills areas, and will rule out having a separate knowledge component which might be a barrier to achievement for some students who find it easier to demonstrate practical digital skills. It will also avoid the technical challenges around awarding described earlier.

Although Digital FSQs are intended to support progression into the work-place and provide evidence of achievement which is relevant to the work-place, they are intended to demonstrate overall performance in digital skills, not in the more specialist skills areas which some employers might require. We don't think therefore that it is necessary to require separate components for each skills area, or to have separate components for knowledge and skills.

We have therefore decided that Digital FSQs at both levels should be single component qualifications and will consult on that proposal.

Number of assessments

What we proposed

Although we thought that a single component was likely to be appropriate at both qualification levels for Digital FSQs, we recognised that there may be more than one assessment in the component. For example, it might, from a practical standpoint, be

necessary for there to be separate assessment of knowledge and skills, simply because one could involve responses to questions, and the other the completion of a practical task on a digital device.

We also recognised that there are different legitimate approaches that awarding organisations could take to determining the number of assessments that would be appropriate within Digital FSQs, and that setting a requirement around the number of assessments could restrict the assessment design options available to awarding organisations.

However, to support the comparability of the qualifications offered by different awarding organisations, we proposed to set a requirement specifying the number of assessments for Digital FSQs.

We recognised that the requirement could not be set until we had finalised our expectations about the overall assessment design, but asked for comments on the number of assessments that should be permitted or required.

In our high-level principles, we said that, as far as possible, knowledge and skills should be assessed together, reflecting real-life scenarios, and that the number of assessments should be the minimum necessary to assess the subject content. Assessments also needed to remain manageable for students and centres. We therefore expected there to be only a small number of assessments in each qualification.

We also asked for views on benefits and risks arising from the practice of permitting centres to split an Entry level individual assessment into several shorter sessions, providing that the total time does not exceed the maximum overall time limit.

We asked

Question 13

To what extent do you agree or disagree that we should set rules around the number of assessments within Digital FSQs at both qualification levels?

Question 14

Do you have any comments on the number of assessments that should be permitted or required?

Question 15

What do you consider are the benefits and risks of permitting Entry level learners to split their assessments into different sessions? Are there any equalities issues that we should be aware of?

Responses received

Number of assessments

The majority of respondents agreed or strongly agreed that we should set a requirement specifying the number of assessments at both qualification levels.

Those in support of our proposal agreed that this requirement was necessary to support comparability between awarding organisations and ensure manageability for centres.

However, we also received feedback from those who disagreed that decisions about the number of assessments should be left to awarding organisations to make on the basis of their overall assessment approach.

Other respondents said that it was difficult to comment on the number of assessments without having a full understanding of which subject content statements would form part of the formal assessment and of our expectations around assessment design.

Where respondents did comment on the number of assessments, most suggested 1 or 2 assessments, although we also received feedback that there should be an assessment in each skills area.

Splitting assessment sessions

Respondents identified a number of benefits and risks arising from the practice of splitting assessment sessions at Entry level.

The main benefit identified by respondents was that splitting assessment sessions enabled students who might find it daunting or difficult to sit for long periods of time to access the assessment and so it increased student engagement and motivation. We also received feedback that splitting assessment sessions is used as a reasonable adjustment to address the needs of students with learning difficulties or disabilities by providing smaller, more manageable assessments.

A number of risks were also identified. Splitting the assessments into different sessions might make them easier to achieve because students can focus on a subset of skills and knowledge only. It might also affect the security of assessments, and has implications for assessment design as the tasks would need to be structured in a way to facilitate the different sessions. It might also negatively affect students' results by moving away from 'real-life' functionality, or by reducing student motivation if the first assessment was harder than they expected.

We also received feedback that the practice of splitting assessment sessions was common in other qualifications and at other levels, and we were asked to provide clarity on whether this approach is available to all students or only those with learning difficulties or disabilities.

Our decision

Number of assessments

We think that setting a requirement for the number of assessments is necessary to support comparability between awarding organisations and over time.

We have considered setting a requirement for a single assessment as we wish to discourage the development of separate knowledge tests which might assess knowledge in isolation from the demonstration of practical skills. However, the methodology awarding organisations adopt for the delivery of assessments in some centres may mean that such an approach is a valid one to take.

We will therefore consult on a proposed requirement to permit a maximum of 2 assessments at each qualification level.

To mitigate the risk of separate knowledge tests and to emphasise the interconnectedness of the skills areas we will also require that the number of assessments should be the minimum necessary to assess the subject content.

Splitting assessment sessions

We have reflected on the approach taken with the reformed FSQs in English and maths. Our bespoke Conditions for these qualifications do not prohibit the practice of splitting Entry level assessments into shorter sessions. However, through the technical evaluation process for the reformed qualifications, we have challenged awarding organisations where their proposed approach to splitting assessment sessions raises concerns about the security and validity of assessments.

These include expecting awarding organisations to limit and specify the total number of sessions, to specify any conditions and controls, and to maintain records.

We have not, however, said that this practice is only acceptable as part of a policy for reasonable adjustments.

Accordingly, we have decided to adopt the same approach for Digital FSQs. We will not prohibit the splitting of assessment sessions but will address concerns about assessment security and validity through the technical evaluation process.

Assessment times

What we proposed

We did not propose to specify minimum and maximum overall assessment times for Digital FSQ assessment.

We considered that the skills in the digital subject content were not time dependent. There was not the need to specify assessment times in the way that we do for some GCSE subjects to help promote comparability.

Nor did we think that there was likely to be the same level of competition around assessment times as we see in certain other qualifications, which form part of accountability measures.

We asked

Question 16

To what extent do you agree or disagree that we should not introduce rules around assessment times for Digital FSQs?

Responses received

The majority of respondents disagreed or strongly disagreed with our proposal not to specify minimum and maximum overall assessment times.

Those who disagreed said that setting minimum and maximum overall assessment times would help to ensure that assessments are comparable between awarding organisations and are fit for purpose. Differences in the length of assessment between awarding organisations could influence centre choice as short assessment times may suggest that the assessment is easier to pass.

It was suggested that setting a range, that is specifying minimum and maximum assessment times, would support comparability but still allow awarding organisations to make decisions about the style and length of individual assessments, as is the case with the current FSQs in ICT and FSQs in English and maths.

Other respondents disagreed because they thought that we were proposing no time limits at all for the assessments which would be difficult to deliver in centres and invigilate, and which they felt would not be a valid assessment of how digital skills were demonstrated in real life.

Our decision

There appears to have been some confusion about what we were proposing around assessment times.

We were not suggesting that there should be no time limits on assessments. We were proposing that we did not need to set a requirement about assessment times with which all awarding organisations had to comply in order to achieve comparable standards across awarding organisations and over time. We also did not think that differences in assessment time would drive centre choice in the way that it might with qualifications which contributed towards school and college accountability measures.

However, having considered the responses to this consultation, we recognise that there is the risk that differences in assessment time may undermine comparability between awarding organisations, which is a key curriculum intention for Digital FSQs.

As such, we have decided to mitigate this risk by introducing a requirement setting out minimum and maximum overall assessment times for Digital FSQs.

We think that by setting out minimum and maximum overall assessment times rather than set amount of time, we have struck the right balance between comparability and allowing awarding organisations the flexibility to determine the length of individual assessments in light of their decisions about assessment design.

We will now consult on a requirement that there should be a minimum and maximum assessment time of 90-120 minutes, at each qualification level.

Assessment availability

What we proposed

We proposed to take a flexible approach to assessment availability in Digital FSQs, allowing awarding organisations offering the qualifications to take a number of different approaches, including:

- set days when assessments are available

- set periods when assessments are available

- on-demand availability

We recognised that a flexible approach to assessment availability does create challenges for comparability, predictability and security of assessments. To help address these concerns, we proposed that we require awarding organisations to explain their approach to assessment availability. Where an awarding organisation has several assessments available at a given period or on-demand, we would expect the awarding organisation to explain how they would ensure they are of the same demand. We would also want awarding organisations to explain the steps they will take to manage issues of authenticity, predictability and security of assessments.

We also thought it would be helpful to incorporate guidance on assessment availability, which is similar to that included in the bespoke guidance for [Essential Digital Skills Qualifications](#), within the Digital FSQ regulatory framework.

Despite our position on assessment availability and assessment controls set out above, we considered that particular difficulties arise where assessments are paper-based and available on-demand (that is where a live assessment is available over an extended assessment window and is not unique to each assessment opportunity). This is because access to paper copies of assessment papers cannot be effectively restricted.

To help address these concerns, we therefore proposed to prohibit paper-based, on-demand assessment for Digital FSQs but to permit on-screen and/or online, on-demand assessment where test papers are either generated uniquely or where it is easier to restrict access to live assessment materials.

This was not something that we did for FSQs in English and maths, but given the digital nature of the subject, we considered this to be an appropriate approach, which was consistent with our high-level principle that Digital FSQs are delivered on-screen and/or online.

We also asked whether there were any regulatory or equalities impacts arising from our proposal to prohibit paper-based, on-demand assessments at both qualification levels.

We asked

Question 17

To what extent do you agree or disagree that we should prohibit paper-based, on demand assessment in Digital FSQs at both qualification levels?

Question 18

To what extent do you agree or disagree that we should not place any other restrictions around availability of assessments in Digital FSQs?

Question 19

Are there any regulatory impacts arising from our proposal to prohibit paper-based, on-demand assessment in Digital FSQs, at both qualification levels?

Question 20

Are there any equalities impacts arising from our proposal to prohibit paper-based, on-demand assessment in Digital FSQs, at both qualification levels?

Responses received

The majority of respondents disagreed with our proposal to prohibit paper-based, on-demand assessment.

Those who disagreed or strongly disagreed with our proposal said that this approach would mean that some students and some centres could not access Digital FSQ assessments. A paper-based format may be required for some students with learning difficulties or disabilities who can't use an on-screen assessment. Also, not all centres have reliable internet access or sufficient equipment, and their students would be discriminated against if this was the only way to access an on-demand assessment.

We also received feedback that it would not be possible for centres to adapt assessment contexts at Entry level if paper-based, on-demand assessment materials were prohibited, and that this proposal was inconsistent with the approach taken with the reformed FSQs in English and maths, which are potentially higher stakes qualifications.

Respondents who agreed with the proposal said that they understood the need for assessment security and felt that the validity and reliability of the assessments would be improved if they were only offered on-demand, on a digital platform.

The majority of respondents agreed or strongly agreed with our proposal that we should not restrict assessment availability in any other way because of the importance of flexibility for the adult target audience for these qualifications. We also received feedback that awarding organisations should have the ability to determine how often to provide assessments, taking account of the needs of different centres and their target student groups, and should explain their approach in their assessment strategy.

It was also suggested that there may be a need to agree restrictions around availability of assessment in the first year of awards until a standard has been agreed across all awarding organisations.

Responses received in relation to the regulatory and equalities impacts arising from the proposal to prohibit paper-based, on-demand assessments at both qualification levels have been reported and considered in the regulatory and equality impact assessment sections.

Our decision

In light of this feedback, we do not think that we should prohibit paper-based, on-demand assessments as it might risk making it difficult for some types of centres and students to access these qualifications. To clarify, in the context of Digital FSQs, when we say paper-based assessment, we mean that the assessment questions and tasks are made available to students in a paper-based format. Students will still

need to use digital devices to complete the questions and tasks in the assessment such as a computer or phone.

Where awarding organisations do offer paper-based, on-demand assessment materials, we propose to require awarding organisations to explain how they will manage any risks in their assessment strategy.

As proposed in our consultation, we will also include similar guidance on assessment availability to that set out in the Essential Digital Skills Qualifications framework in the guidance on assessment design and delivery.

Guided Learning and Total Qualification Time

What we proposed

General Condition E7 requires awarding organisations to assign to each qualification that it makes available a number of hours for Guided Learning and Total Qualification Time (TQT).

TQT is comprised of 2 elements:

1. the number of hours which an awarding organisation has assigned to a qualification for Guided Learning. In the case of Digital FSQs, the Department is proposing that this will be a minimum of 55 hours of Guided Learning, to align with the reformed FSQs in English and maths.

2. an estimate of the number of hours a Student will reasonably be likely to spend in preparation, study or any other form of participation in education or training, including assessment, which takes place as directed by – but, unlike Guided Learning, not under the immediate guidance or supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.

As the Department is proposing to set a specific expectation around the hours of Guided Learning for Digital FSQs, we thought that it was appropriate to produce a bespoke Total Qualification Time Condition for Digital FSQs that took this into account.

We asked

Question 21

> To what extent do you agree or disagree that we should set a bespoke Condition which requires the hours of Guided Learning for Digital FSQs to align with the figure set by the DfE?

Responses received

The majority of respondents agreed with our proposal to set a bespoke TQT Condition because this has become standard practice with other qualifications, such as the reformed FSQs in English and maths, where the number of guided hours of learning has been set by the Department and where awarding organisations have no control over the figure set.

We also received some comments on whether hours of Guided Learning should be specified at all, and were also asked what would happen if the hours of Guided Learning determined proved not to be appropriate.

Our decision

We have decided to implement our proposal to set a bespoke Condition for TQT, reflecting the figure for hours of Guided Learning determined by the Department.

This approach is consistent with that taken with both the reformed FSQs in English and maths and with Essential Digital Skills qualifications.

Should we find through our regulation of Digital FSQs that this figure is not appropriate, we would share our findings with the Department.

In the consultation we did not ask for views on whether a figure should be set for hours of Guided Learning because this is decided by the Department. Therefore, the points raised by respondents about this have not been taken into account when reaching our decision.

Use of mark-based and compensatory assessment approaches

What we proposed

We proposed that students' results should be based on their overall performance across the subject content and that performance should be assessed in a

compensatory manner, that is with strengths and weaknesses in performance in the different skills areas permitted to balance each other.

We also proposed to require mark-based approaches, and to separate the allocation of marks from decisions about grading.

This would give awarding organisations greater ability to standardise assessment decisions, both within centres and within their own examining teams, and to ensure that variations in assessment difficulty are considered appropriately in determining pass marks.

We asked

Question 22

To what extent do you agree or disagree that we should require a compensatory approach to assessment within Digital FSQs at both qualification levels?

Question 23

To what extent do you agree or disagree that we require Digital FSQ assessments at both qualification levels to use mark-based approaches to assessment?

Responses received

Use of compensatory assessment approaches

A majority of respondents agreed or strongly agreed that we should require a compensatory approach to assessment, either because they agreed that our approach should be in line with that of the reformed FSQs in English and maths, or because they felt it was appropriate in light of the purpose of the qualifications and the inter-related nature of the subject content.

Respondents who raised concerns said that compensation should not apply across components or assessments. They felt that the credibility of the qualification could be

damaged because employers and other end-users would expect students to have passed all components or assessments.

We also had feedback that a qualification graded Pass or Fail could not be compensatory.

Use of mark-based approaches

The majority of respondents also agreed that we should require awarding organisations to use mark-based approaches and to separate the allocation of marks from decisions about grading. They felt that it supported the use of a compensatory approach to assessment, and that it allowed awarding organisations to standardise assessment decisions and to address variations in assessment difficulty when determining pass marks. They also welcomed an approach which was consistent with that used in Essential Digital Skills qualifications and the reformed FSQs in English and maths.

Those who disagreed commented that a mark-based approach was not appropriate for all subject content statements (in particular those with a focus on practical skills where students either can or can't perform that skill) or felt that awarding organisations should be allowed to decide whether to use marks or judgements against criteria and to justify their approach in their assessment strategy.

Some respondents also asked for clarification on whether this proposal applied to the assessment of skills statements as part of the course of study, as well as to those assessed through the formal assessment and how the assessment of these statements would contribute to the overall mark for the qualification.

Our decision

Although the issue of compensation is more straightforward because we are only proposing to permit one component and have removed the split between formal and on-course assessment, we are still proposing to permit a maximum of 2 assessments.

As such, we think that it is necessary to include a requirement that students' results should be based on their overall performance within and across assessments, with strengths in performance balancing out weaknesses.

We don't accept that a mark-based approach is incompatible with the subject content, particularly if the assessments include tasks which draw together the application of skills and knowledge. Mark-based approaches are used with the existing FSQs in ICT and in other practical subjects.

The use of marks gives awarding organisations greater ability to standardise and adjust assessment decisions, both within centres and within their own examining

teams, and to ensure that variations in assessment difficulty are considered appropriately in determining pass marks. We think that this is particularly important in new qualifications.

Requiring all awarding organisations to adopt the same compensatory and mark-based approach to assessment also supports comparability across awarding organisations and over time. We continue to believe that to require students to pass every assessment in this qualification would introduce potentially unfair 'hurdles' into the assessment and that students' results should be based on their overall performance across the subject content.

Accordingly, we have decided to implement our proposal and to require a compensatory approach to assessment and the use of mark-based approaches within Digital FSQs.

Setting, marking and adapting assessments

Setting assessments

What we proposed

We proposed that all assessments for Digital FSQs at both qualification levels should be set by the awarding organisation in order to maintain user confidence in the qualifications and ensure reliable evidence of student achievement against the new subject content.

We said that requiring awarding organisations to set the assessments would help ensure that subject content is sufficiently covered. It would also help ensure that the standard and demand of the assessments are consistent, regardless of when or where students take their assessments.

Our proposal would not however restrict the form that the assessment must take.

We also asked about the costs, savings or other benefits associated with our proposal to require awarding organisations to set assessments at both qualification levels.

We asked

Question 24

To what extent do you agree or disagree that we should require awarding organisations to set assessments for Digital FSQs at both qualification levels?

Question 29

What are the costs, savings or other benefits associated with our proposals for setting, marking and adaptation of assessments? Please provide estimated figures where possible and any additional information we should consider when evaluating the impact of our proposals.

Responses received

All but one respondent agreed or strongly agreed with our proposal, agreeing that it would help to maintain confidence in the new qualifications, ensure appropriate coverage of the subject content, and would support comparability across centres and students and over time. It was also consistent with the approach taken with the reformed FSQs in English and maths.

We also received feedback that centres don't have the assessment expertise, and time or resources to create their own assessments, unlike awarding organisations.

The one respondent who neither agreed nor disagreed with our proposal did not give a reason for their view.

We were also asked to clarify what was meant by 'set by the awarding organisation' and what level of flexibility, contextualisation and innovation was possible if assessments were set by awarding organisations.

Responses relating to the costs, savings or other benefits associated with our proposal to require awarding organisations to set assessments at both qualification levels have been reported and considered in the regulatory and equality impact assessment sections.

Our decision

In light of this feedback, we have decided to implement our proposal to require awarding organisations to set all assessments. We will include guidance in our subject-level Conditions which explains what we mean by 'set by the awarding organisation' in the context of these qualifications.

Marking assessments

What we proposed

Entry level

We proposed that centre marking would be permitted in Entry level qualifications. This was because of the lower level of risk attached to these qualifications, which the Department expect are more likely to be used to progress students to the Level 1 qualification, than to aid progression into work or further study.

We did not wish however to prevent awarding organisations from taking greater control in these assessments if they wished and so proposed to allow centre marking, rather than require it.

Level 1

We proposed to set requirements that awarding organisations mark the Level 1 assessments. This was to provide the highest level of confidence in these qualifications which the Department expect to be used to aid progression into work or further programmes of study.

We considered that on-screen and/or online assessment could facilitate marking by awarding organisations without undermining the validity of the assessments.

We also asked about the costs, savings or other benefits associated with our proposals for the marking of assessments.

We asked

Question 25

To what extent do you agree or disagree that we should require Level 1 Digital FSQ assessments to be marked by the awarding organisation?

Question 26

To what extent do you agree or disagree that we should allow, but not require, Entry level Digital FSQ assessments to be centre marked?

Question 29

What are the costs, savings or other benefits associated with our proposals for setting, marking and adaptation of assessments? Please provide estimated figures where possible and any additional information we should consider when evaluating the impact of our proposals.

Responses received

Entry level

The majority of respondents agreed or strongly agreed with our proposal to permit but not require centre marking in Entry level qualifications.

Respondents said that Entry level qualifications were not high-risk qualifications and should be as flexible as possible to enable centres to assess their students as and when they are ready to take the assessments. Not permitting centre marking would also lead to additional costs for awarding organisations and centres.

We also had feedback that allowing centres to mark assessments supported teaching, learning and the development of innovative assessment approaches.

We were asked how this proposal related to other proposals such as our expectation that assessments are available only on-screen.

Respondents who disagreed with our proposal said that decisions about marking should be made by the awarding organisation and then explained in their assessment strategy, rather than by Ofqual, as this would also support innovation.

One respondent also said that qualifications linked to a public funding entitlement could also be susceptible to fraudulent behaviours from a small number of providers which would support the need for tighter control of marking even at Entry level.

Level 1

Although a majority of respondents agreed with our proposal, views were slightly more divided on whether we should require Level 1 assessments to be marked by awarding organisations.

Those who agreed welcomed the consistency with the approach taken for the reformed FSQs in English and maths and agreed that marking by awarding organisations would provide the highest level of control.

Some of those who disagreed said that if a full quality assurance process is in place at centre level, there should be no reason why assessments could not be centre marked as is to be permitted at Entry level. This would also speed up the process for certification.

Others said that requiring awarding organisations to mark assessments would stifle innovation and the ability of awarding organisations to respond to the needs of different groups of students and would limit the validity of the assessments. It was suggested that requiring an externally set and marked test would increase robustness of the assessment but at the expense of the realism of the assessment task.

We again had feedback that awarding organisations should be able to decide the marking approach for Level 1 assessments and explain it in their assessment strategy.

Responses relating to the costs, savings or other benefits associated with our proposals for the marking of assessments have been reported and considered in the regulatory and equality impact assessment sections.

Our decision

Entry level

In light of these responses, which overall support our rationale, we have decided to implement our proposal to permit, but not require, centre marking of Entry level 3 qualifications.

By permitting, but not requiring, centre marking, should awarding organisations have concerns about reliability of assessment or malpractice in their centres, they can decide to require marking by the awarding organisation. We will require awarding organisations to explain in their assessment strategy that they have taken all reasonable steps to identify and address any such risks.

We have seen through the technical evaluation of Essential Digital Skills qualifications, that the delivery of qualifications on-screen and online, does not preclude centre marking as teachers and/or assessors can be given access to assessment platforms to mark students' work.

Awarding organisations will be required to justify their approach in their assessment strategy and set out the controls they have in place to ensure that centre marking is reliable.

Level 1

We have given careful thought to the approach we take for Level 1 Digital FSQs and whether requiring marking by awarding organisations might affect the validity and manageability of assessments.

Level 1 FSQs in ICT are currently marked by awarding organisations and having considered the final version of the subject content, we don't think that centre marking

is a pre-requisite for valid assessment design of that subject content. We do recognise that marking by awarding organisations could affect the manageability of the qualifications if it leads to delays in certification. However the approaches we have seen used in other qualifications, such as Essential Digital Skills qualifications where some awarding organisations have automated marking, show that marking by awarding organisations does not have to adversely affect the manageability of qualifications.

We are also not persuaded that centre marking would deliver the relevant level of control by awarding organisations, particularly if Digital FSQs are to be used in 16 to 19 study programmes. To support comparability and to ensure the highest level of control, Level 1 and Level 1 FSQs in English and maths are also mostly externally marked (the exception being the Speaking, Listening and Communicating component in English). We think that we should take a consistent approach for Digital FSQs.

As such, we have decided that we will implement our proposal to require marking by the awarding organisation at Level 1.

Adaptation of assessments

What we proposed

Entry level

We proposed to allow adaptation of contexts in assessments for Entry level Digital FSQs.

This was because we recognised that it might be difficult for awarding organisations to write assessments in Digital FSQs where the contexts are suitable for all students. We thought that this was of greater importance for students on Entry level Digital FSQ courses who are completing simple tasks, and for whom an unfamiliar context could cause a particular difficulty.

To ensure the validity of the assessment, we proposed to only permit adaptation which does not change the nature of the skills being assessed, the demand of the task, or the level of the assessment. We would not permit adaptation of tasks to ensure that the assessments can be delivered using the centre resources available, as this would be likely to materially alter what is being assessed.

We also proposed that we would require awarding organisations to provide guidance and support to centres around any adaptation of assessments they allow and to provide us with an explanation of their approach.

Level 1

We proposed not to allow the adaptation of assessments for Level 1 Digital FSQs.

This is because we would expect Level 1 students to be able to demonstrate the ability to apply their knowledge and skills to a range of tasks encountered in the workplace and in other real-life contexts.

We also asked about the costs, savings or other benefits associated with our proposals for the adaptation of contexts in assessments.

We asked

Question 27

To what extent do you agree or disagree that we should allow, but not require, adaptation of contexts within assessments for Entry level Digital FSQs?

Question 28

To what extent do you agree or disagree that we should prohibit adaptation of contexts within assessments for Level 1 Digital FSQs?

Question 29

What are the costs, savings or other benefits associated with our proposals for setting, marking and adaptation of assessments? Please provide estimated figures where possible and any additional information we should consider when evaluating the impact of our proposals.

Responses received

Entry level

The majority of respondents agreed or strongly agreed with our proposal to permit adaptation of contexts in assessments at Entry level. Several commented that this could help to make assessments relevant to the different groups of students who might take the qualification.

We were challenged, however, on whether adaptation of contexts would be possible if assessments had to be delivered on-screen and/or online, as suggested in our original high-level principles. The same point was made by the respondent who disagreed with our proposal.

Level 1

Views were much more divided at Level 1, where about a third of respondents disagreed or strongly disagreed with our proposal.

Those who agreed said that our approach was consistent with that taken for Essential Digital Skills qualifications and that Level 1 students should be able to respond to different contexts.

We also received feedback that centres have not taken advantage of the opportunity to adapt the contexts for assessments with previous qualifications.

Those who disagreed said that adaptation of contexts would help to make assessments relevant to Level 1 students and if contexts were tailored to local employer requirements this would help improve employer confidence in the qualifications. They also felt that there was no reason to differentiate between Entry level and Level 1 students.

We also had feedback that some respondents were unable to form a view, either because they did not feel that it was sufficiently clear what forms of assessment would be permitted, or because they felt that whether adaptation was permitted was dependent on whether the assessment was internally or externally marked.

Responses relating to the costs, savings or other benefits associated with our proposals for the adaptation of contexts in assessments have been reported and considered in the regulatory and equality impact assessment sections.

Our decision

As we are permitting centre marking at Entry level, awarding organisations could permit adaptation of contexts at Entry level, although we recognise that this might be more difficult where assessments are delivered on-screen and online.

We recognise that views were more divided about whether we should allow adaptation of contexts at Level 1. However, we think that being able to apply knowledge and skills to less familiar or unfamiliar contexts is one way in which Level 1 students can demonstrate greater fluency and confidence in their digital skills.

We also accept that by deciding to require marking of Level 1 assessments by awarding organisations, we have already made adaptation of contexts in Level 1 assessments, a more difficult option for awarding organisations.

On consideration of the responses received to the consultation, we have decided to implement our proposal to permit, but not require centre adaptation of contexts, at Entry level only. If awarding organisations do not find that their centres take advantage of the opportunity to adapt contexts for assessments, they will not be required under our bespoke Conditions to offer it.

Grading

What we proposed

We proposed a single grading approach for Digital FSQs and that this should be Pass or Fail.

We considered that this would provide a clear indication to users that students have demonstrated the skills and knowledge set out in the subject content.

We asked

Question 30

To what extent do you agree or disagree that we should require a single grading approach across Digital FSQs?

Question 31

To what extent do you agree or disagree that, if a single grading approach is required, that a pass or fail grading model should be used for Digital FSQs?

Responses received

The majority of respondents agreed or strongly agreed with both our proposal to adopt a single grading approach and our proposal to grade Digital FSQs on a Pass or Fail basis.

Respondents agreed that a single grading approach supported user understanding, and transparency and comparability between awarding organisations. It was also consistent with the approach taken with the reformed FSQs in English and maths and in Essential Digital Skills qualifications.

Respondents also agreed with a Pass or Fail grading approach because it was consistent with the aim of the qualification, which was to demonstrate a baseline of digital skills, and because the introduction of a grading scale (such as pass, merit and distinction) could confuse users of the qualification.

One respondent commented that in practice no Fail grades would be awarded at qualification level. They said that this was because assessment was likely to be available on-demand, with no limit on the number of retakes. A candidate's registration would therefore be kept open until the candidate passes or until the registration expires.

Our decision

In light of this feedback, we have decided to implement our proposal to have a single grading approach for Digital FSQs and that this should be Pass or Fail.

This is consistent with the approach taken with the reformed FSQs in English and maths and Essential Digital Skills qualifications.

Even though in practice some awarding organisations may not choose to issue Fail grades to candidates, this does not affect the design of the grading scale.

Assignment of qualification levels

What we proposed

The subject content for Digital FSQs has been developed by the Department at Entry level and Level 1.

We proposed therefore that Digital FSQs would only be awarded at Entry level 3 and Level 1.

We recognised that, because the draft subject content covers skills across Entry levels 1, 2 and 3, there could be an argument for awarding the qualification at each of these Entry levels. However, we considered that there was not sufficient content to reliably distinguish between these different Entry levels, particularly because of the interrelated nature of the skills across the Entry levels as set out in the subject content.

We asked

Question 32

> To what extent do you agree or disagree that we should require the Digital FSQs to be awarded at Entry level 3 and Level 1 only?

Responses received

Respondents were divided in their views on this proposal, with just over half disagreeing or strongly disagreeing with our proposal.

Those in favour of our proposal agreed that the inter-related nature of the knowledge and skills across the three Entry levels and the difficulty in distinguishing between them would make it difficult to generate reliable and valid assessments across Entry levels 1, 2 and 3. It was also noted that, as the proposal has been adopted for Essential Digital Skills qualifications, it made sense to implement the same approach for Digital FSQs.

One respondent disagreed with our proposal to award the Entry level qualification at Entry level 3 only, stating that qualifications at each of the 3 entry levels were necessary to support student progression.

However, most of those who disagreed or strongly disagreed with our proposal did so because they felt that Digital FSQs should be available at Level 2. Even some of those who agreed with our proposal commented that Digital FSQs should be available at Level 2, particularly for a qualification supporting employability.

Some respondents also disagreed with our proposal because of concerns with the subject content, including that the Department's subject content was insufficiently developed to be able to make a decision about the assignment of levels.

Our decision

The decision not to develop subject content for Digital FSQs at Level 2 was taken by the Department. Without subject content at that level, we cannot regulate a Level 2 qualification.

We continue to think that the inter-related nature of the knowledge and skills set out in the Entry level subject content would not support the design and award of separate Entry level qualifications.

We have decided, therefore, to implement our proposal to require that Digital FSQs are awarded at Entry level 3 and Level 1 only.

Comments about the subject content were passed to the Department for them to consider as they developed the final version of the subject content.

As noted earlier in the interpretation of subject content section, we are also proposing to consult on guidance to support the development of consistent approaches between the qualification levels between awarding organisations.

Setting and maintaining standards

Standard setting

What we proposed

We proposed not to set a single technical approach to standard setting for Digital FSQs. We recognised that the most appropriate approach to setting and maintaining standards depends on the awarding organisation's approach to the design of their assessments and assessment availability.

Instead, we proposed to require awarding organisations to explain to us in their assessment strategy the approach they would take to standard setting and to the maintenance of standards over time within their qualification. We would expect a full explanation of the technical methods used, including analysis and evidence, to be provided.

We also proposed to set certain expectations around the evidence which awarding organisations must rely upon in their approach. We would expect this to include, where available, statistics as well as assessor judgement.

We asked

Question 33

To what extent do you agree or disagree with our proposals around the setting and maintenance of standards in Digital FSQs?

Responses received

All respondents agreed or strongly agreed with our proposal not to set a single technical approach to standard setting as it permits awarding organisations to take different approaches to assessment and is consistent with that taken in reformed FSQs in English and maths and Essential Digital Skills Qualifications.

We also received feedback that it would be helpful for us to work with awarding organisations on the types of evidence that would be most appropriate to use in standard setting, including our expectations when the qualitative and quantitative evidence was not available.

We were also asked to clarify whether Digital FSQs were new qualifications with an entirely new performance standard or whether there was an expectation that awarding organisations should be carrying through a legacy standard from the FSQs in ICT. We were also asked to consider the impact of any potential dip in student performance due to the 'Sawtooth Effect' and to agree the approach for managing this.

It was also suggested that, as Digital FSQs are based on subject content drawn from the Essential Digital Skills standards, a case could be made for looking at how performance in Digital FSQs and Essential Digital Skills qualifications compares.

Our decision

We have decided to implement our proposal to not set a single technical approach to standard setting.

We will work with awarding organisations to further explore the range of evidence which they must rely upon in standard setting. However, at both Entry level and Level 1 we will expect this to include evidence of an appropriately representative sample of students taking that assessment (or evidence generated as part of robust technical pre-testing of those assessments, whether students or otherwise), as well as assessor or subject expert judgement. We will require awarding organisations to explain their approach in their assessment strategy.

We have concluded that Digital FSQs are new qualifications rather than reformed FSQs in ICT. This is because of the differences in subject content and the different primary target audience for FSQs in ICT and Digital FSQs. This means that there is no expectation that students who passed FSQs in ICT would also pass Digital FSQs.

In line with the ministerial steer, our regulatory approach for Essential Digital Skills qualifications was not to prioritise comparability of standards between awarding organisations and over time. There are therefore different approaches to assessment design which would make it challenging to compare standards across Essential Digital Skills qualifications, and then in turn with Digital FSQs. We therefore have no plans at this point to compare performance across Essential Digital Skills qualifications and Digital FSQs.

First awards

What we proposed

We proposed that we would regulate differently for the first year of awards for Digital FSQs to ensure initial standards are set appropriately.

We considered that it was crucial that awarding organisations set an appropriate and common standard in the first award of these qualifications, as this is the standard which would be carried forward over time, and that it was important to have both clear expectations of the pass grade and solid evidence to base the first awards on.

We did not determine the exact approaches that would be put in place and welcomed views on possible approaches in response to the consultation.

We asked

Question 34

To what extent do you agree or disagree that we should regulate differently for the first year of awards for Digital FSQs to ensure initial standards are set appropriately?

Responses received

The majority of respondents agreed or strongly agreed with our proposal to regulate differently in the first year of awards to ensure that a common standard, applied by all awarding organisations, can be carried forward over time.

It was also noted that the first year of awarding could present particular challenges for students because they were being assessed on new qualifications and so regulation in this year should be different to ensure students are not unintentionally disadvantaged in any way.

We also received some helpful suggestions on how this proposal could be implemented, including:

- the timing of any comparability activities should take into account the different patterns of entry across the awarding organisations

- the development of a pass grade descriptor should take into account equivalences between Digital FSQs and other IT user qualifications

- the ability of a pass grade descriptor to ensure greater comparability across awarding organisations would be dependent on how open the descriptor was to interpretation

- there should be recognition that the outcomes in the first year could differ to both the legacy outcomes and that achieved in future years

However, we also received feedback that, because there is no requirement to regulate Essential Digital Skills qualifications differently in their first year of awards, there should be no requirement to do so for Digital FSQs.

Our decision

The ministerial steer for Digital FSQs prioritises comparability and maintenance of standards between awarding organisations and over time, unlike Essential Digital Skills qualifications where the minister prioritised flexibility and accepted that this might mean differences in assessment approaches.

We think, therefore, that a different regulatory approach between the 2 qualification types is appropriate.

Working with awarding organisations to develop a shared understanding of the pass standard in the first year of awards will support comparability and the maintenance of standards across awarding organisations and will help to address concerns about any differences in student outcomes compared with current FSQs in ICT.

We have decided, therefore, to implement this proposal and will take account of the comments on implementation as our requirements and processes develop.

Scrutiny of qualification outcomes

What we proposed

We proposed to adopt an enhanced level of scrutiny of qualification outcomes for Digital FSQs at Level 1. This was to make sure that, as far as possible, outcomes would be comparable between awarding organisations and over time.

To enable flexible assessment and fast results turnaround to continue, we proposed that the scrutiny of outcomes occurs post-results, and only affects future paper-setting and awarding decisions.

We also propose to adopt the following principles of scrutiny:

- qualification outcomes, both between awarding organisations and over time, will be compared on some common basis

- there will be an obligation on awarding organisations to participate in the scrutiny of qualification outcomes

- there will be an obligation on awarding organisations to align their standards for future awards, where this is necessary

We did not determine the exact approaches that would be put in place around post-results scrutiny of qualification outcomes and welcomed views on possible approaches.

We asked

Question 35

To what extent do you agree or disagree with our proposals around post-results scrutiny of outcomes?

Responses received

The majority of respondents agreed or strongly agreed with our proposal, accepting that there was a need for greater scrutiny in the first year of a new qualification to ensure comparable outcomes between awarding organisations, and that the principles were consistent with those used for reformed FSQs in English and maths. There was also agreement that the outcomes from this scrutiny should only affect future paper-setting and awarding decisions.

We also received feedback that it was difficult to decide whether to agree with our proposal because there was a lack of clarity about how the enhanced scrutiny would be implemented.

The respondent who disagreed with our proposal argued that post results scrutiny of outcomes was not appropriate for Digital FSQs because the qualifications were not intended to be used in the same way as the reformed FSQs in English and maths.

Our decision

We have reflected again on the need to balance a ministerial steer, that prioritised comparability and maintenance of standards, with the lower level of risk attached to Digital FSQs which, as set out in the 2019 letter from then Minister of State for Apprenticeships and Skills, will not play a part in the government's accountability system, with the exception of qualification achievement rates.

To make sure, as far as possible, that outcomes would be comparable between awarding organisations and over time, we have decided that it is necessary to adopt an enhanced level of scrutiny of qualification outcomes for Digital FSQs at Level 1.

Our decision, therefore, is to implement our proposal and to work with awarding organisations to agree the approaches that will be put in place.

Assuring the approach to assessment

Assessment strategies

What we proposed

We proposed to require awarding organisations to produce an assessment strategy to explain their overall approach to the assessment of Digital FSQs.

The assessment strategy would provide a comprehensive picture of the steps and approach they would take in relation to design, delivery, centre controls, standard setting and maintenance of standards to ensure, on an ongoing basis, that the qualifications, and their assessments, are sufficiently valid and fit for purpose.

We proposed to set rules which would require awarding organisations to:

- establish and maintain an assessment strategy for each Digital FSQ they offer

- ensure their assessment strategy sets out how they will comply, on an ongoing basis, with its Conditions of Recognition

- design, set, deliver and mark all assessments for Digital FSQs in line with their assessment strategy

- keep their assessment strategy under review, and notify us of any changes to them

- review their assessment strategy when we ask them to (and make any changes we request), show how they have complied with their assessment strategy (or explain why not), and follow any instructions we give them about complying with their assessment strategy

We also asked respondents to comment on the regulatory impact of our assessment strategy proposals.

We asked

Question 36

To what extent do you agree or disagree with our proposal to require awarding organisations to put in place and comply with an assessment strategy?

Question 38

What are the costs, savings or other benefits associated with our proposals which we have not identified? Please provide estimated figures where possible and any additional information we should consider when evaluating the impacts of our proposals.

Responses received

The majority of respondents agreed or strongly agreed with our proposal to require awarding organisations to produce assessment strategies, including all awarding organisations.

This was either because they felt that it had become standard practice for a range of regulated qualifications and generally works well, or because it was in-line with the approach taken for reformed FSQs in English and maths and Essential Digital Skills qualifications.

We were also asked to share learning from the technical evaluation process for the reformed FSQs in English and maths, to provide more specific guidance on Ofqual's expectations for each section of the assessment strategy, and to confirm timescales and arrangements for the technical evaluation process.

Responses received in relation to the regulatory impact of assessment strategies have been reported and considered in the regulatory and equality impact assessment sections.

Our decision

We continue to think that requiring awarding organisations to explain their overall approach to the assessment of Digital FSQs in an assessment strategy will play a vital role in helping us to understand their approach and to regulate their qualifications, and have received no feedback to challenge this position.

Our decision, therefore, is to implement this proposal. We will take account of the comments on the guidance and information it would be helpful for us to share as we develop our requirements and processes.

Technical evaluation

What we proposed

We proposed to have oversight of the approaches that awarding organisations take to the design and delivery of Digital FSQs through a process of technical evaluation.

This would likely be before the qualifications were made available and may include review of the assessment strategy (if we were to adopt this proposal) and any sample assessment materials.

We proposed to put in place rules which require awarding organisations to do the following:

- notify us at an early stage that they intend to make the qualifications available

- provide us with any information we request to support our technical evaluation of the qualification

- make any changes we require to their assessment approach – we could require these changes to be made either before or after the qualification is made available, depending on the nature of the changes required

We also asked respondents to comment on the regulatory impact of our technical evaluation proposals

We asked

Question 37

To what extent do you agree or disagree with our proposals around the technical evaluation process?

Question 38

What are the costs, savings or other benefits associated with our proposals which we have not identified? Please provide estimated

figures where possible and any additional information we should consider when evaluating the impacts of our proposals

Responses received

The majority of respondents agreed with our proposal and some commented on the need for, and potential benefits of, technical evaluation. This included commenting that it was useful to receive feedback from the regulator before the qualifications were made available to centres and students.

However, we also received feedback that the process of technical evaluation can be time-consuming and might lead to delays in providing information to centres before first teaching.

Several respondents suggested ways of enhancing the process, such as using an approach which builds in more frequent and/or informal feedback to awarding organisations during the evaluation process, providing clear and detailed feedback, and allowing awarding organisations to publish draft assessment materials before they have gone through the process of technical evaluation.

We were also asked to clarify the timescales for the technical evaluation process and to confirm whether it would take place before the qualifications were made available to centres.

Responses received in relation to the regulatory impact of a technical evaluation process have been reported and considered in the regulatory and equality impact assessment sections.

Our decision

Our experience, most recently in the context of reformed FSQs in English and maths, and Essential Digital Skills qualifications, has shown that the process of technical evaluation gives us assurance that new qualifications have been designed and will be delivered in a way which meets our Conditions and the government's objectives.

Some respondents, including those who have had involvement in previous evaluation processes, also stated that they saw benefit in the process. This included the usefulness of receiving feedback from us before the qualifications were made available to centres and students.

Our decision is, therefore, to require awarding organisations to submit their Digital FSQs, at both levels, for technical evaluation and to carry out technical evaluation before the qualifications are made available to centres.

We will take account of the suggestions from respondents as we plan the process of technical evaluation to ensure that it is manageable and timely.

Transitional arrangements

What we proposed

We proposed to set a maximum transition period of 12 months during which both current FSQs in ICT and Digital FSQs would be available alongside each other.

During this transitional period:

- all new students should be enrolled onto Digital FSQs, rather than the legacy qualifications

- students that are already enrolled on legacy FSQ in ICT courses should be allowed to complete assessments and have a reasonable opportunity to re-sit on the legacy courses

We did not propose to set a minimum transitional period.

We also proposed that Digital FSQs would only be available at Entry level 3 and Level 1 and that there would be no replacement qualifications for existing Entry level 1, Entry level 2 and Level 2 FSQs in ICT.

At Entry level 3 and Level 1 the title of the qualification would also change from 'FSQ in ICT' to 'Digital FSQ'. Therefore, at the end of the transitional period, only qualifications titled Digital FSQ, which were at Entry level 3 and Level 1, could comply with our new Conditions.

We asked

Question 39

To what extent do you agree or disagree that once Digital FSQs are available, we should allow awarding organisations to make current FSQs in ICT at Entry level 1 to 3 and Level 1 available for a maximum of 12 months, which would include all resists?

Responses received

The majority of respondents agreed or strongly agreed with our proposal.

They felt that running current FSQs in ICT and Digital FSQs alongside each other for a period of 12 months was reasonable, would protect existing Functional Skills students, and was consistent with the approach taken with reformed Functional Skills in English and maths.

However, we also received one comment that 2 qualifications should not run in parallel to minimise the operational implications for awarding organisations. We also had feedback, from those who disagreed with our proposal, that a 12-month window was too short for centres to adjust their delivery. One respondent also disagreed with our proposal because they did not want Digital FSQs to be introduced as currently envisaged by the Department.

We were also asked for clarification on whether FSQs in ICT at Entry level 1, Entry level 2 and Level 2 could still be awarded outside this 12-month transition period.

Our decision

Based on our experience from the introduction of reformed FSQs in English and maths, we think that a 12-month transition period strikes the right balance between protecting the interests of students, not placing undue burden on awarding organisations and giving centres sufficient time to introduce new Digital FSQs.

We will implement this proposal so that once the subject level Conditions for Digital FSQs have been introduced, awarding organisations will only be able to award Digital FSQs at Level 1 and Entry level 3. We will also consult on a qualification level Condition which will mean awarding organisations cannot offer FSQs in ICT at any level.

Disapplication of certain General Conditions of Recognition

What we proposed

We proposed to disapply a small number of General Conditions, either to reduce regulatory burden on awarding organisations, or because we intended to produce a bespoke Digital FSQ Condition. We proposed to disapply:

- **Conditions E1.3 to E1.5** – these Conditions require awarding organisations to only make a new qualification available once they have consulted potential users and can provide evidence of support. Given that Digital FSQs are being introduced as part of a government-led reform programme, and there would only be one qualification at each level, we did not think it was necessary to require awarding organisations to produce evidence of support for their new qualifications

- **Condition E7** – this Condition relates to Total Qualification Time and Guided Learning Hours. As set out above, we intended to produce a Digital FSQ specific Condition for Guided Learning Hours. We therefore proposed to disapply the General Condition as under our proposals it would be replaced by a bespoke Condition

- **Condition E9** – this Condition relates to the assignment of levels to a qualification. As set out above, we proposed to require that Entry level Digital FSQs were awarded at Entry level 3 and at Level 1 only and to prevent Digital FSQs from being awarded at any other level. Given this approach it would not be necessary for awarding organisations to assign a particular level to a qualification. We therefore proposed to disapply this General Condition

We asked

Question 40

To what extent do you agree or disagree with our proposal to disapply General Conditions E1.3 to E1.5, E7 and E9?

Responses received

The majority of respondents agreed or strongly agreed with our proposal, with one respondent disagreeing and the rest neither agreeing nor disagreeing. Those that agreed accepted that it would reduce the regulatory burden on awarding organisations.

The respondent who disagreed, did so because they believed that that was a need for Digital FSQs at Entry level 2 and at Level 2. Another respondent who agreed with our proposal made the same point.

Our decision

As this proposal related to the disapplication of GCRs in response to earlier policy proposals which we have decided to accept, we have decided to implement this proposal.

The comments on the need for there to be Digital FSQs at more than 2 qualification levels has been addressed earlier in this document (see Assignment of qualification levels section), and is not relevant to our decision to implement this proposal.

Implementation timescales

The Department's intention is that these qualifications are available for first teaching from August 2023.

We will work with awarding organisations to develop the process for technical evaluation in line with this timescale.

Regulatory impact assessment

In our consultation we recognised that some of our proposals may have a regulatory impact. We asked respondents to comment particularly on the costs, savings or other benefits associated with our proposals for:

- our proposed principles

- prohibiting paper-based, on-demand assessment materials

- our proposals for setting, marking and adaptation of assessments

- assessment strategies and technical evaluation

We also asked if there were any regulatory impacts that we had not identified arising from our proposals, and if so, what those impacts were and if there were any additional steps we could take to minimise the regulatory impact of our proposals.

We asked awarding organisations to provide estimated figures where possible and if there was any additional information we should consider when evaluating the costs and benefits of our proposals.

We also asked for views on whether there was anything in our proposals that would prevent innovation by awarding organisations offering these qualifications.

Responses received

Requiring assessments to designed so that they can be delivered online and/or on-screen and prohibiting paper-based, on-demand assessment materials were identified as the most significant regulatory impacts throughout the consultation responses. Respondents noted the financial costs to awarding organisations for developing or sourcing bespoke platforms and/or additional software needed to develop online or on-screen assessments, particularly if simulated applications were required. They also highlighted the costs for centres in order provide access to the necessary equipment to deliver and assess the qualifications in this way, particularly when also factoring in access arrangements for students with particular needs. It was also noted that this cost would be greater than was the case for FSQs in ICT.

In contrast, several respondents felt that this approach could reduce costs, with one respondent suggesting that in the long term, delivering assessments online or on-screen would lead to reduced costs. Another respondent suggested that the dual running of Essential Digital Skills Qualifications and Digital FSQs could result in some efficiencies.

Additional regulatory impacts identified by respondents were as follows:

- while seen as proportionate, the addition of 6 new principles that awarding organisations would have to comply with would increase the regulatory burden

- the increased costs and resource requirements for centres and awarding organisations associated with the skill statements that would be assessed throughout the course of study

- the costs associated with running the current FSQs in ICT for 12 months alongside Digital FSQs

Some respondents noted that, without having finalised rules or the details of the potential market, it was difficult to provide detailed information to quantify the impact.

Several awarding organisations provided estimated costs of developing the qualifications with one suggesting that not including the associated costs of developing a simulated platform, the internal development costs could be between £30,000 and £50,000. Another suggested that the costs of a new software proprietary IT provider could be at least £50,000 per year. However many reported that the costs involved would be dependent on the nature of the evidence and assessment approach decided on for these qualifications.

When considering the question on innovation, respondents commented that innovation would be constrained if awarding organisations were not given the flexibility to decide on the numbers of components and assessments that make up Digital FSQs. It was also felt that the costs of designing online assessment tools could inhibit innovation because resources would have to be directed to the development of the tool rather than to other areas. In addition, respondents highlighted the importance of permitting centre set and marked assessments, stating that externally assessed assessments could restrict innovation.

In contrast, other respondents felt that the nature of the subject encouraged the use of technology in assessment and welcomed the potential for innovation in this area.

Our decision

As discussed earlier, we think that delivering the assessments on-screen and online is consistent with and supports the purpose, learning aims and outcomes of the qualifications. We accept however that, despite the expansion of digital and online delivery driven by the pandemic, we will need to allow exceptions to online delivery of assessment if awarding organisations can demonstrate that this is not possible in some settings. This may include some adult and community learning settings where internet access may not be sufficient to run assessments onscreen and online.

Our decision, therefore, is to set out in guidance our expectation that assessments are delivered on-screen and online. Awarding organisations must have regard to the

guidance to Conditions but by taking this approach of issuing guidance rather than setting a requirement, awarding organisations will be able to put forward alternative approaches where this can be justified. In addition, we have decided that we will not prohibit paper-based, on-demand assessment materials but would only expect paper-based assessment materials to be made available in limited circumstances.

We recognise that awarding organisations will incur some costs through our expectations for the delivery of the qualifications. However, our decisions mean that the impact on awarding organisations is likely to vary depending on the individual approaches awarding organisations take, and the extent to which it differs from their current practice. However, based on the responses received, we consider that any additional costs would be proportionate to the aims we are seeking to achieve. Our decisions should also help to minimise the impact on centres that may not have the necessary equipment to deliver the assessments in this way.

As discussed above, we have concluded that we do not need to include principles in our subject level Conditions but will reflect these principles in our guidance where still necessary. A such the regulatory burden associated with complying with the principles, as identified by respondents, will no longer be incurred. Respondents also identified the costs to awarding organisations and centres associated with assessing some of the skill statements throughout the course of study. As confirmed earlier, we have decided to require the assessment (or assessments), at both qualification levels, to be designed to be able to cover all subject content statements. Therefore, these costs will no longer be incurred.

We recognise that there will be additional burden for awarding organisations by allowing a 12-month transition period for Functional Skills in ICT. However, based on our experience from the introduction of reformed FSQs in English and maths, we think that a 12-month transition period strikes the right balance between protecting the interests of students, not placing undue burden on awarding organisations and giving centres sufficient time to introduce new Digital FSQs.

We also recognise that awarding organisations will incur some costs through our requirements to develop assessment strategies and participate in the technical evaluation process. We think that many awarding organisations would in any case have developed sample assessment materials for centres, and that consideration of these materials as part of the technical evaluation process will not represent an additional cost for awarding organisations. However, we do acknowledge that there may be some additional impact or burden introduced through engagement with us in the technical evaluation process. We think such impact or burden is necessary to ensure that the new qualifications meet the government's expectations.

We did not receive information from awarding organisations around the costs of these proposals which makes it difficult to estimate their impact. We consider

however that any burden imposed through the introduction of the technical evaluation process is necessary. It is important that we review the qualifications and determine whether the approach an awarding organisation takes is likely to produce qualifications that are fit for purpose, meet our Conditions, requirements and guidance and fulfil ministerial objectives.

We are introducing Digital FSQs as a new qualification type and so awarding organisations, who decide to offer these new qualifications will need to extend their scope of recognition to include them. We believe that the approach we have put in place is proportionate and will not pose a significant burden on awarding organisations who we already recognise and who offer similar qualifications. Organisations who aren't currently recognised will need to go through a full recognition process.

We will continue gather further information about the regulatory impact of these proposals as part of our technical consultation, and through ongoing work in this area.

Equality impact assessment

Ofqual is a public body, the public sector equality duty in the Equality Act 2010 applies to us.

In our consultation we recognised that our proposed high-level principles for assessment design, including the use of on-screen and online assessments, and our proposal to prohibit paper-based, on-demand assessment materials may have potential positive and negative equality impacts.

We also asked respondents whether there would be any equality impacts that we should be aware of with regard to the splitting of entry level assessments into multiple, shorter assessment sessions.

Respondents were asked to comment on the specific areas we had identified, and whether there were any other potential impacts (positive or negative) on students who share protected characteristics that we had not identified. We also asked if there were any additional steps we could take to mitigate any negative impact resulting from our proposals on students as a result of them sharing a protected characteristic.

Responses received

The issues raised by respondents in the main related to our proposed approach to require assessments to be designed so that they can be delivered online and/or on-screen and on prohibiting paper-based, on-demand assessment materials. Respondents suggested this would:

- be a barrier for certain student groups, including those from certain cultural backgrounds where full internet access may conflict with their beliefs, from being able to fully engage or complete the qualifications if internet access was required

- impact students with disabilities that needed paper-based assessment materials for accessibility reasons

- impact the ability for reasonable adjustments to be provided by centres

- impact students who might not be able to access certain types of digital technology because of their disabilities

Respondents also commented on other equality impacts arising from our proposals. These included:

- the need for assessments to take into account that students may have English as a second language or have very low-level language skills

- that the proposed single component approach for these qualifications would deny students with disabilities, who are able to access the majority of the assessment, from receiving exemptions from any aspects of the assessment that they cannot access. This could mean that they were therefore unable to access the qualification because an exemption cannot be applied to part of a component.

- that sitting an assessment in a single session could be problematic for some groups of students such as students with disabilities and so there should be flexibility to deliver assessments over a number of assessment sessions

- concerns about the level of demand of the qualification and whether this would stop some students from accessing the qualification

Respondents suggested the use of assistive technologies and access arrangements, the development and distribution of resources to centres to help support SEND students, and making the qualification available at lower levels could be used to mitigate against the negative impacts resulting from our proposals.

Some respondents also highlighted positive impacts of our proposals. They felt that the new modes of assessment could increase accessibility of the qualifications and increase participation, giving students with protected characteristics the opportunity to engage with digital technology. It was also suggested that the increased total qualification time could help give more time to students with protected characteristics.

Neither respondents nor the stakeholders we spoke to identified any impacts of our proposals on persons who share the protected characteristics of sex or sexual orientation, gender reassignment, pregnancy or maternity.

Our decision

As explained earlier, we think that delivering the assessments on-screen and online is consistent with and supports the purpose, learning aims and outcomes of the qualifications. In addition, the subject content for Digital FSQs, consulted on and published by the Department, requires some aspects of the assessment to be completed on-screen and online.

Despite the expansion of digital and online delivery driven by the pandemic, we accept that we will need to allow exceptions to online delivery of assessment if awarding organisations can demonstrate that this is not possible.

Our decision, therefore, is to set out in guidance our expectation that assessments are delivered on-screen and online. Awarding organisations must have regard to the guidance to Conditions but by taking this approach of issuing guidance rather than setting a requirement, awarding organisations will be able to put forward alternative

approaches where this can be justified. This will allow them to take account of the needs of students who share particular characteristics when determining their approach.

We have also decided that we will not prohibit paper-based, on-demand assessment materials. We will, however, only expect paper-based assessment materials to be made available in limited circumstances, including as part of reasonable adjustments or the application of special consideration. This decision should help to mitigate against the potential negative impacts on individuals with protected characteristics identified by respondents.

We have also decided we will not prohibit the splitting of assessment sessions. This means that awarding organisations are permitted to allow centres to split assessments over a number of assessment sessions. Students with disabilities for whom sitting the assessment in a single session would be problematic will not therefore be disadvantaged..

The Digital FSQ subject content has been developed by the Department at Entry level and Level 1. It does not differentiate between the three entry sub-levels, as the Department has concluded that this better reflects how digital skills are typically taught, learned and applied. As we have explained in the section on Assignment of qualification levels, we have decided to award Digital FSQs at Entry level 3 and Level 1 only. While this may give rise to a negative impact on students with certain disabilities such as students with SEND, this decision stems from the approach to the subject content. This does not prevent, however, the course of study from being delivered in a way that meets the needs of students who would benefit from a curriculum which differentiates between the entry sub-levels.

Respondents also highlighted the need for assessments to take into account that students may have English as a second language or have very low-level language skills. Our General Conditions of Recognition (Condition G3 – Use of language and stimulus materials) already require awarding organisations, when considering whether the language used in an assessment is appropriate, to consider a range of factors such as the level and objective of the qualification. It also requires awarding organisations to take all reasonable steps to ensure that no assessment contains language which could lead to a group of students because of a common attribute or circumstance from being disadvantaged in the level of attainment they are able to demonstrate. We therefore do not believe that additional requirements around this for Digital FSQs are necessary.

We acknowledge that the single component for these qualifications may deny students with disabilities the opportunity to access exemptions.. As set out above, however, we consider this approach reflects the size of the qualifications and the inter-related nature of the skills areas. As such it will rule out having a separate

knowledge component which might be a barrier to achievement for some students who find it easier to demonstrate practical digital skills.

The suggested use of assistive technologies and access arrangements is noted, as is the development and distribution of resources to centres to help support SEND students as ways to mitigate the impact. Our General Conditions of Recognition already require awarding organisations to be compliant with Equalities Law and to make reasonable adjustments available to students with disabilities, tailored to their individual needs. We do not believe that additional requirements around this for Digital FSQs are necessary.

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