

CONSULTATION DECISIONS

# Regulating Digital Functional Skills qualifications

Consultation on remaining policy proposals and draft Conditions, Requirements and Guidance

**ofqual**

# Contents

<b>Introduction</b> .....	<b>3</b>
<b>Summary of decisions</b> .....	<b>3</b>
<b>Details</b> .....	<b>5</b>
Subject content .....	5
Assessment design.....	10
Transitional arrangements .....	20
Our proposed qualification-level and subject-level rules and guidance.....	22
Regulatory impact assessment.....	24
Equality impact assessment .....	27
<b>Annex 1</b> .....	<b>30</b>
Mapping decisions to the Conditions, requirements and Guidance .....	30

# Introduction

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](#). 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 on 29 October 2021](#) following a consultation in May 2019. Awarding organisations will use this subject content to create the new qualifications.

Ofqual will regulate Digital FSQs and consulted on its initial policy approach to regulating Digital FSQs while the Department consulted on subject content for Digital FSQs in May 2019. Ofqual's May 2019 [consultation analysis](#) and [consultation decisions](#) documents were published on 25 November 2021.

Following decisions taken after the initial consultation in May 2019, Ofqual consulted on its remaining policy proposals and its draft Conditions, requirements and guidance for regulating Digital FSQs. This took place between 25 November 2021 and 27 January 2022. This document sets out the decisions made in response to this second Ofqual consultation.

## Summary of decisions

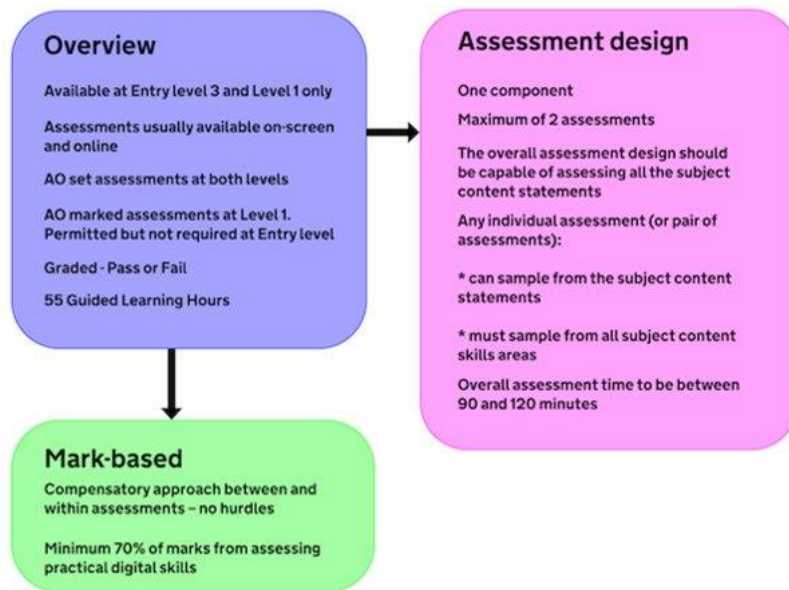
We have decided to implement the following proposals:

- to set a minimum weighting of 70% of marks to be gained through the assessment of practical digital skills at both qualification levels
- to require awarding organisations to provide a rationale for their interpretation of subject content statements, together with their weightings in their assessment strategy
- to require that the design of the assessment must be able to cover all subject content statements, over time, at both qualification levels

- to require that assessments sample the subject content statements and the bracketed subject content in the content statements at both qualification levels
- to require that assessments must cover as many of the subject content statements as possible at both qualification levels
- to require that assessments must cover subject content statements from each skill area at both levels
- to issue guidance to awarding organisations that supports consistency between awarding organisations when differentiating between qualification levels
- to issue guidance to awarding organisations that helps ensure assessment tasks that require the use of digital devices are authentic and relevant to the workplace and everyday life
- to expect assessments to be delivered on-screen and online, but to allow paper-based assessment materials to be used by exception
- to adopt the definitions for on-screen and online with some additional explanation to clarify points raised by respondents
- to require awarding organisations to design the qualifications with a single component at both qualification levels
- to permit a maximum of 2 assessments within a component at both qualification levels
- to set minimum and maximum overall assessment times at both qualification levels of 90 and 120 minutes respectively
- to introduce a qualification-level condition so that awarding organisations will not be able to make available any Functional Skills Qualifications in Information Computer Technology (FSQs in ICT) at any level after the 12-month transitional period
- to implement the Conditions, requirements and guidance with minor changes to drafting

Annex 1 sets out how the final version of the Conditions, requirements and Guidance gives effect to all Ofqual's decisions about the regulation of Digital FSQs.

## Digital FSQs: A summary of the new qualifications



## Details

### Subject content

### Weighting of marks allocated to the assessment of practical digital skills within assessments

### Our proposals

To achieve comparability between awarding organisations, and over time, Ofqual proposed to set rules on the weighting of marks to be gained through questions assessing practical digital skills and those gained through questions assessing knowledge within Digital FSQ assessments.

A minimum weighting of 70% of marks to be gained through the assessment of practical digital skills was proposed at both qualification levels. The remainder of the marks were to be allocated to questions or tasks which assess knowledge. This balance would put the focus of the qualification on the demonstration of practical digital skills and give awarding organisations the flexibility to design less predictable and potentially more innovative assessments.

Awarding organisations would be required to justify their approach to the interpretation of subject content statements for the purposes of assessment in their assessment strategy, together with their weightings.

Respondents were asked to what extent they agreed or disagreed with the proposals to:

- set rules around the weighting of marks which could be gained through questions assessing practical digital skills and those gained through questions assessing knowledge
- set a minimum weighting of 70% of marks to be gained through the assessment of practical digital skills at both Entry level 3 and Level 1
- require awarding organisations to provide a rationale for their interpretation of subject content statements, together with their weightings, in their assessment strategy

## Responses received

There were 20 responses to these questions.

Most respondents (19 out of 20) agreed or strongly agreed that we should set rules around the weighting of marks. No respondents disagreed.

Respondents said that such rules would provide clarity and consistency around assessment design and support comparability across different awarding organisations.

Most respondents (18 out of 20) also agreed or strongly agreed with the proposed weighting of 70% of marks to be gained through the demonstration of practical skills. Respondents said that this would be in line with the purpose and the subject content of the qualifications. Setting a minimum weighting rather than a maximum weighting was also welcomed.

We also received feedback about the implementation of our proposals.

One awarding organisation agreed that the constructs being assessed aligned closely with our proposed weighting for the assessment of skills and knowledge. They suggested this could only be confirmed once they had started designing the qualification and the assessments.

One respondent suggested that some knowledge would need to be assessed discretely, and on other occasions, the assessment of knowledge would need to be embedded within the assessment of practical skills. Another respondent suggested setting a maximum weighting for the assessment of practical digital skills. This is to avoid any knowledge-based assessment being redundant by having a very small weighting.

Respondents who did not agree with our proposal to set a minimum weighting of 70% of marks to be gained through the assessment of practical digital skills said our proposal may be too high for students at Entry level 3, or that different weightings would be needed at Entry level 3 and Level 1.

Most respondents (16 out of 20) also agreed or strongly agreed that awarding organisations should provide a rationale for their interpretation of subject content statements, together with their weightings, in their assessment strategy. They thought it would be helpful for them to do so. No respondents disagreed with this proposal. We were asked to provide guidance for awarding organisations on the level of detail needed for their rationale to reduce levels of inconsistency in the information provided by different awarding organisations.

One respondent also said Ofqual would need to ensure its proposals did not negatively impact timescales and first teaching dates.

## Our decision

Having considered this feedback, Ofqual has decided to implement these proposals and to put into effect the relevant draft Conditions and requirements.

By setting a minimum weighting for the assessment of practical digital skills, awarding organisations will have sufficient flexibility to design assessments which can cover the subject content statements in ways appropriate for both qualification levels. Awarding organisations are best placed to decide the weighting of any separate knowledge-based assessment in light of their overall assessment strategy and design. Ofqual's rules will permit knowledge to be assessed discretely or for the assessment to be embedded within the assessment of practical skills.

Work will also begin with the awarding organisations to develop a common understanding of our expectations of assessment strategies and the timelines for technical evaluation, working towards the intended first teach date of August 2023.

## Coverage of subject content

### Our proposals

[The final version of the subject content](#) was published by the Department in October 2021 and covers 5 skills areas:

- using devices and handling information
- creating and editing
- communicating

- transacting
- being safe and responsible online

To support comparability by having a consistent approach between awarding organisations, Ofqual proposed to set rules around the coverage of the subject content for Digital FSQs.

Awarding organisations must design the assessment (or assessments) for the qualifications, at both levels, to be able to cover all subject content statements over time. Sampling of the subject content statements (including the bracketed content within subject content statements) in an individual assessment (or assessments) would however be permitted. Over time, awarding organisations must cover all subject content statements in their planned cycle of assessments and must explain in their assessment strategy how they will do this.

Awarding organisations would be required to cover as many of the subject content statements as possible in their assessment (or assessments). They would also be required to include subject content statements from each of the 5 skills areas in the subject content in their assessments. This was to enable students to make connections between the skills areas, as expected in the subject content.

Rules would not be set for the coverage, or sampling, of the 'scope of study' sections in the subject content, as these are illustrative only but awarding organisations would be expected to take account of them when designing their assessments.

Respondents were asked to what extent they agreed or disagreed with the proposals to require at both qualification levels that:

- the design of the assessment must be able to cover all subject content statements over time
- assessments may sample the subject content statements and the bracketed subject content in the subject content statements
- assessments must cover as many of the subject content statements as possible
- assessments must cover subject content statements from each skill area

## Responses received

There were 20 responses to these questions. Most respondents (16 out of 20) agreed or strongly agreed that the design of the assessment must be able to cover all subject content statements over time. All but one respondent (19 out of 20) agreed or strongly agreed with our proposal to permit sampling of the subject content statements, including the bracketed content, within an assessment (or assessments), while acknowledging the importance that all subject content



statements were covered over time. Respondents agreed that sampling across the subject content statements supported both the validity and reliability of assessments by enabling the development of more interesting, less predictable and less contrived assessments.

Most respondents (13 out of 20) agreed or strongly agreed with the proposal that assessments must cover as many of the subject content statements as possible. Most respondents (18 out of 20) also agreed or strongly agreed, and no respondents disagreed, with the proposal that assessments must cover statements from all skills areas. Respondents said that this would support the development of valid assessments that reflect the purpose of the qualifications and were realistic and meaningful. They also said that it would allow students to demonstrate their competence or attainment across a range of skills and areas, and so support progression. Setting rules around the coverage of subject content was also thought to help support comparability across awarding organisations.

There were differing views on whether Ofqual should be more prescriptive about the approach to sampling and coverage of the skills areas. Some awarding organisations asked us to clarify what was meant by 'over time'. They were concerned it would be left to awarding organisations to interpret what 'over time' meant. One awarding organisation suggested we should specify a minimum percentage of the number of subject content statements to be covered in each assessment (or pair of assessments). In contrast, another awarding organisation said it should be up to them to decide what covering all subject content statements 'over time' looked like, as this was standard practice in assessment design. They agreed that a rationale for the design of their assessment should be provided in their assessment strategy. We were also asked to clarify whether mark schemes would be expected to include a rubric which ensured achievement across each skill area.

Respondents who disagreed with our proposals that the design of the assessment must be able to cover all subject content statements over time (1 out of 20) or that assessments must cover as many of the subject content statements as possible (3 out of 20) did so because of concerns about the subject content. One respondent felt that, in the current climate of a pandemic with teaching disruption, the amount of teaching content should be reduced. One awarding organisation thought that, even with sampling, it would be difficult to assess all subject content over time, in a time-constrained, externally-set assessment. This would particularly be the case at Level 1 which is externally marked. Concerns were also raised about whether centres and students would have access to multiple devices or to both local and remote storage facilities. One respondent also argued that a better approach would be to consider whether an assessment should assess student ability in-depth rather than requiring as many subject content statements as possible to be covered. They thought that

requiring the latter might lead to an assessment which was 'light touch', or superficial and lacking rigour.

One awarding organisation also said it is only possible to determine how much of the subject content is workable, taking account of all other requirements, during the design and testing of an assessment.

## Our decision

Having considered this feedback, Ofqual has decided to implement these proposals and to put into effect the relevant draft Conditions, requirements and guidance.

These rules for the coverage and sampling of the assessment content will support the development of valid and reliable assessments. These reflect the purpose of the qualifications as set out in the Department's Digital FSQ subject content and comparability between awarding organisations.

Awarding organisations will be required to explain their approach to coverage and sampling of the subject content over time, in the context of their overall assessment design, in their assessment strategy.

## Assessment design

### Differentiating between qualification levels

#### Our proposal

To support consistency and comparability across awarding organisations, Ofqual included guidance on differentiation between the 2 qualification levels in the consultation version of the Digital FSQ regulatory framework.

The subject content for Digital FSQs states that:

'Progression between the 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 learner '

This wording was included, with some examples of differentiation between qualification levels in different skills areas, in the draft guidance on assessments.

Respondents were asked to what extent they agreed or disagreed with the proposal to include this guidance to support consistency between awarding organisations when differentiating between qualification levels.

## Responses received

There were 20 responses to this question. All 20 respondents strongly agreed or agreed with the proposal.

Respondents said that issuing guidance would increase consistency between awarding organisations and would be helpful for employers, centres, and students. They said that it would avoid awarding organisations being selected based on the ease of passing and progressing to the next level, bringing more credibility to the qualifications. It would also allow providers the opportunity to make informed decisions around what qualification level to enter students for.

It could also encourage collaboration between awarding organisations and joint working with Ofqual.

## Our decision

Having considered this feedback Ofqual has decided to implement this proposal and to put into effect the relevant guidance.

We will work with awarding organisations to explore ways, in addition to our rules, to further support a consistent understanding of differentiation between the qualification levels.

## Real-life focus and connections between skill areas

### Our proposal

To satisfy the qualification purpose, learning aims, and outcomes set out in the Digital FSQ subject content, Ofqual included draft guidance on assessments. This stated that students should demonstrate their knowledge and skills through assessment tasks which require the use of digital devices, and which are authentic and relevant to the workplace and everyday life

Respondents were asked to what extent they agreed or disagreed with the proposed guidance.

## Responses received

There were 20 responses to this question and all respondents agreed or strongly agreed with the proposal.

Respondents said that this was essential to ensure that the needs of the target audience of the qualification are met and assessments support the purpose and content of the qualifications.

We were asked by one respondent to define 'authentic' and 'digital devices'. In contrast, one respondent advised we should not be overly prescriptive about specific devices or interfaces because of the pace of change with technology.

Some respondents raised concerns about whether all students would have equal access to digital devices, depending on their socio-economic background. They also mentioned the impact of the pandemic on students' ability to access work placements.

One awarding organisation suggested that we would need to allow enough flexibility in the design of assessment tasks to avoid further disadvantage to students in prison or youth offender institutes (for example, system limits due to security restrictions could impact how a student would complete the assessment task). This point is considered in the next section.

## Our decision

Having considered this feedback, Ofqual has decided to implement this proposal and to put into effect the relevant guidance.

The subject content statements and scope of study sections in the Department's Digital FSQ subject content set out the types of digital devices to be used. To meet the expectations of the subject content, the assessments should have a real-life focus. However, assessments should not be designed to cover knowledge and skills that can only be learnt in a workplace.

## On-screen and online assessment

### Our proposals

Ofqual proposed that Digital FSQ assessments should be designed to be delivered on-screen and online. This is because it is more likely to result in assessment approaches which are authentic and relevant to today's workplace and everyday life.

However, recognising that some types of centres may still have limited IT infrastructure and so struggle to deliver assessments on-screen and online, some flexibility was included within this proposal.

The draft guidance on assessments set out the expectation that assessments are delivered on-screen and online and that paper-based assessment materials would not be generally available. Awarding organisations would however be able to put forward, by exception, alternative approaches if they could justify them. This would be kept under review and the number of exceptions requested would be monitored. Paper-based assessment materials would also be permitted as part of reasonable adjustments or the application of special consideration.

Awarding organisations would be required to have assurance processes in place to ensure that centres who wish to use paper-based assessment materials could justify their request. Awarding organisations would be required to set out how they would do this in their assessment strategy.

To address the additional risks arising from the use of paper-based assessment materials which are made available on demand, awarding organisations would be required to explain how they would manage these risks in their assessment strategy.

To support the development of consistent approaches across awarding organisations, the terms 'on-screen and online' were also explained, using the definitions we have included in the Vocational and Technical Qualifications Contingency Regulatory Framework (VCRF).

Respondents were asked to what extent they agreed or disagreed with the proposals to:

- expect assessments to be delivered on-screen and online, but to allow paper-based assessments materials to be made available by exception, where this can be justified
- expect awarding organisations to ensure any of their centres wishing to offer assessment materials in a paper-based format can justify that there is a need for them to do so and to explain to us in their assessment strategy how they will be so assured
- require awarding organisations to explain how they will manage any risks arising when paper-based assessment materials are made available on-demand in their assessment strategy

Respondents were also asked if they had any comments on the proposed definitions for on-screen and online.

## Responses received

There were 20 responses to these questions.

Most respondents (16 out of 20) strongly agreed or agreed with the expectation that assessments should be delivered on-screen and online. Five respondents who agreed also questioned why paper-based assessment materials should be available

at all by exception. Some suggested that a paper-based assessment wouldn't be authentic for a digital qualification. They said practical digital skills should be demonstrated on a digital platform and it might be difficult to develop valid or innovative paper-based assessments for skills-based assessments. The use of assistive technology was also suggested as an alternative to paper-based assessment materials, where needed as a reasonable adjustment.

Respondents who disagreed with our proposal (3 out of 20) mostly did so because they did not agree that paper-based assessment materials should be available by exception. The one respondent who strongly disagreed with our proposal said that Digital FSQs are meant to improve digital literacy, which requires assessments to be delivered on-screen. Another respondent did not agree that some centres lack the infrastructure to run on-screen and online assessments. They said that paper-based assessment materials should only be available in the case of requests for reasonable adjustments.

One respondent also expressed concern that the cost of technological developments to deliver on-screen and online assessments might make some awarding organisations reluctant to offer Digital FSQs.

Some respondents did however agree that paper-based assessment materials should be permitted by exception to support students with additional support needs or disabilities. One awarding organisation said that some centres still had limited IT infrastructure and clarity on whether on-screen but offline assessment would be permitted would be welcomed.

Ofqual was asked to provide further clarity or guidance on what would be an exception. We were also asked what exceptions could sit outside of reasonable adjustments or special consideration.

An interest group recommended further clarification be provided on the range of digital devices required for assessment. It was concerned that this might be a barrier to accessing Digital FSQs, especially in more disadvantaged areas.

Most respondents (14 out of 20) strongly agreed or agreed with the expectation that awarding organisations should ensure that any of their centres wishing to offer assessment materials in a paper-based format can justify the need for them to do so and should explain to us in their assessment strategy how they will be so assured. One respondent said that otherwise, schools, colleges and training providers might seek an easier option for their students taking the qualifications.

Respondents who disagreed thought that requiring centres to submit a justification to offer paper-based assessment materials placed a considerable regulatory burden on awarding organisations and centres. One respondent questioned why, if digital and paper-based assessment materials were equivalent and met agreed principles and criteria for their use, individual justifications to permit paper-based assessment

materials were necessary. Ofqual was asked to clarify the level of justification required for paper-based assessment and any expectations of comparability across awarding organisations.

Most respondents (18 out of 20) strongly agreed or agreed with our proposal to require awarding organisations to explain how they would manage any risks arising when paper-based assessment materials are made available on-demand in their assessment strategy. Some awarding organisations said they would have risk assessed the provision of paper-based, on-demand assessments even if Ofqual didn't make it a requirement.

Comments were received from 10 respondents on the proposed definitions for on-screen and online assessment. Half of these comments provided came from awarding organisations, who had more mixed views about the definitions than other respondents, who generally thought that the definitions were helpful. Comments from awarding organisations centred around how Ofqual's proposed definitions for on-screen and online differed from their own, or how on-screen and online assessment differed from the assessments they currently provide for other ICT qualifications. Some awarding organisations also provided feedback that the proposed definitions were unclear and required further clarification.

## Our decision

Having considered this feedback, Ofqual has decided to implement these proposals and to put into effect the relevant guidance.

Digital FSQ assessments will be delivered on-screen and online. Paper-based assessment materials will not be generally available. They will be permitted as part of reasonable adjustments or special consideration, where this is necessary and appropriate to meet students' needs. Assistive technology may also be used part of reasonable adjustments or special consideration where appropriate. Apart from this, paper-based assessment materials should only be permitted where centres do not have the IT infrastructure to run on-screen and online assessments. The guidance on assessments has been slightly amended to make this clear.

This approach balances the need for the assessments to be designed and delivered in a way which reflects their purpose and subject content, with the need to ensure that Digital FSQs qualifications can be offered in all types of centres and settings.

Requiring centres to justify their need for an exception, and for this to be monitored by the awarding organisations, minimises the risk that centres choose the more familiar option, and safeguards the interests of students. Ofqual does not intend to prescribe the level of detail required in any justification and expects awarding organisations to develop systems which are proportionate and manageable for centres. The number of exceptions across awarding organisations will be monitored by Ofqual.

Where paper-based assessment materials are made available on-demand, awarding organisations will be required to explain how any consequential risks will be managed in their assessment strategy and to ensure that alternative versions of the assessments are comparable. Even where paper-based assessment materials are made available, assessment tasks will require the use of digital devices as set out in the Departments' subject content.

Minor changes have been made to support the explanations of on-screen and online assessment to clarify some of the points raised by respondents.

## Number of components and assessments

### Our proposals

Because of the interrelated nature of the skills statements and the size of the qualifications (55 hours of guided learning), Ofqual proposed that a single component was appropriate for Digital FSQs at both qualification levels.

Consideration was given to setting a requirement for a single assessment, preventing the development of separate knowledge tests that could assess knowledge in isolation from the demonstration of practical skills. However, the approach awarding organisations take to the delivery of assessments in some centres may mean that it is necessary. A maximum of 2 assessments at each qualification level was therefore proposed.

Respondents were asked to what extent they agreed or disagreed with the proposals to:

- require awarding organisations to design qualifications at both qualification levels with a single component
- permit a maximum of 2 assessments within a component at both qualification levels

### Responses received

There were 20 responses to these questions.

Most respondents (13 out of 20) strongly agreed or agreed with the proposal to require organisations to design qualifications at both qualification levels with a single component. Most respondents (12 out of 20) also agreed that there should be maximum of 2 assessments within a component, at both qualification levels.

Respondents who agreed or strongly agreed said setting such requirements would support comparability across awarding organisations. Some said that this would aid



centres in the selection of awarding organisations, as it would stop decisions being made based on the volume of assessment.

Respondents agreed that a single component was the best option, either because of the size of the qualification (55 hours of guided learning), or to provide clarity to awarding organisations and students, or because it was not desirable to have a qualification with separate knowledge and practical digital skills components. One respondent felt this was a sensible approach, as students at these levels may not be accustomed to large numbers of assessments. Ofqual was also asked to clarify whether assessments can or must be completed in one sitting, taking into account the needs of students with special educational needs who may need supervised rest breaks.

Respondents who disagreed or neither agreed or disagreed said a single component might not meet the needs of all students, or that students might be overwhelmed with the prospect of a single assessment, particularly if the student has previously had a poor experience of assessments.

The respondent who disagreed with our proposals felt it would be better to assess students' knowledge and skills through 2 separate assessments, as this would better identify the areas that students need to work on.

Some awarding organisations questioned whether the proposals were too restrictive and suggested awarding organisations needed greater flexibility to design assessments covering all the subject content statements.

One of the 3 respondents that disagreed with the proposals felt they would prevent awarding organisations from creating innovative forms of assessments and that several shorter assessments would be easier for centres to deliver.

## Our decision

Having considered this feedback, Ofqual has decided to implement these proposals and to put into effect the relevant Condition and requirements.

Ofqual recognises that setting rules around the number of components and assessments limits the flexibility awarding organisations have in the design of their qualifications. This level of control is necessary, however, to support comparability between awarding organisations. It is also consistent with the approach taken with the reformed FSQs in English and maths. Awarding organisations will still have some choice over the number of assessments when designing their qualifications. Expecting Digital FSQ assessments to generally be delivered on-screen and online will also support the development of innovative approaches.

Having a single component covering the assessment of both practical digital skills and knowledge is not intended to prevent teachers from teaching knowledge and practical digital skills separately, if they wish to do so.

As stated [in the decisions document from the first consultation](#), in line with the approach taken for reformed FSQs in maths and English, Ofqual will not prohibit the splitting of assessment sessions for Digital FSQs. Awarding organisations will, however, be expected to address any concerns about assessment security and validity where assessment sessions can be split in their assessment strategy.

## Assessment time

### Our proposals

Ofqual proposed to require a minimum and maximum overall assessment time of 90 to 120 minutes respectively, at both qualification levels. Awarding organisations would be expected to justify their approach to assessment time, in the context of their overall approach to assessment design, in their assessment strategy.

Respondents were asked to what extent they agreed or disagreed with our proposals to:

- set a requirement on the minimum and maximum overall assessment time
- for minimum and maximum overall assessment time to be set at 90 to 120 minutes, at both qualification levels

Respondents were also asked for views on whether using paper-based assessment materials could mean additional time is necessary.

### Responses received

The number of responses to these questions varied.

19 out of 21 respondents either strongly agreed or agreed to our proposal to set a requirement on the minimum and maximum overall assessment time. None disagreed.

Views were more mixed on the overall time range. Twelve out of 19 respondents either strongly agreed or agreed with our proposal. Two disagreed or strongly disagreed, and 5 neither agreed nor disagreed.

Of those that agreed with our proposals, respondents said this would ensure sufficient comparability across awarding organisations, while still allowing flexibility for awarding organisations to be innovative in their assessment design.

Ofqual was asked to clarify if extra time would be permitted as part of a reasonable adjustment or special consideration, where paper-based assessment materials were permitted by exception, or where materials had to be printed out. Some respondents did think that additional time would be needed for paper-based assessment materials.

One respondent was unsure whether it was helpful to set minimum and maximum times until awarding organisations had time to develop specimen assessments complying with all design requirements.

Some respondents who did not agree with the proposals questioned whether the overall length of assessment time was appropriate for Entry level students. One respondent suggested good practice would not allow any student to work at a screen for 90 to 120 minutes without a break.

One respondent (commenting on the previous proposal about the number of components) said they had received feedback that it was challenging for centres to deliver assessments which did not fall within class hours, and that students would not attend assessments scheduled out of class hours.

Another respondent said that it would be useful to have guidance on permitting breaks within the set assessment time and suggested the maximum overall assessment time be set at 60 minutes.

Some respondents who neither agreed nor disagreed said the proposed overall assessment times did not align with the assessment times for Essential Digital Skills qualifications, where many awarding organisations had assessments that exceed the maximum time proposed. One respondent questioned whether more could be done to ensure consistency between the 2 types of digital qualifications.

## Our decision

Having considered this feedback, Ofqual has decided to implement these proposals and to put into effect the relevant Condition and requirements.

Setting a minimum and a maximum overall assessment time strikes the right balance between promoting comparability between awarding organisations and allowing awarding organisations to determine the length of individual assessments in light of their decisions about assessment design.

As noted in the previous section, in line with the approach taken for reformed FSQs in maths and English, Ofqual will not prohibit the splitting of assessment sessions for Digital FSQs. Awarding organisations will be expected to decide their own approach and to address any concerns about assessment security and validity, where assessment sessions are split, in their assessment strategy.

The overall assessment time of 90 to 120 minutes balances the need to support consistency across awarding organisations with the recognition that demonstration of the knowledge and skills in the subject content is not time dependent in the way it might be in other qualifications with a different purpose.

Additional time as part of a reasonable adjustment or special consideration is permitted. Where paper-based assessment materials are made available as an exception, no additional time is permitted as this can be accommodated by specifying a minimum and maximum overall assessment time.

Although based on similar content, Essential Digital Skills qualifications and Digital FSQs have different regulatory frameworks, with a different focus on comparability between awarding organisations. For example, there is not a requirement for Essential Digital Skills qualifications to sample from the subject content and there are no rules around the number of components or assessments. Any differences in the overall assessment times between the 2 types of qualifications reflect this difference in regulatory approach.

## Transitional arrangements

### Our proposals

As set out in the letter from the then Minister of State for Skills and Apprenticeships, Digital FSQs will be new qualifications that replace existing FSQs in ICT.

Following the first consultation on Digital FSQs, a maximum transition period of 12 months during which both current FSQs in ICT and Digital FSQs would be available alongside each other was agreed.

As Digital FSQs are not replacing FSQs in ICT, the new qualifications will not automatically replace FSQs in ICT on the Register of Regulated qualifications. This means there is a risk that awarding organisations continue to make FSQs in ICT available, which would have implications for the FSQ brand and the qualification type.

Ofqual proposed to introduce a Functional Skills qualification-level Condition, which states that an awarding organisation must not make available an FSQ in a subject for which Ofqual has not set and published any FSQ subject-level Conditions.

Respondents were asked to what extent they agreed or disagreed with the proposal to introduce this qualification-level Condition to ensure awarding organisations will not be able to make FSQs in ICT at any level available after the 12-month transitional period.

## Responses received

There were 20 responses to this question.

Twelve respondents either strongly agreed or agreed with the proposal to introduce a qualification-level Condition to ensure awarding organisations will not be able to make FSQs in ICT at any level available after the 12-month transitional period. Two respondents disagreed and 6 neither agreed nor disagreed.

Of those that agreed or strongly agreed with our proposal, most commented on the 12-month transition period, agreeing this should be the maximum period of time FSQs in ICT are available, rather than on the introduction of the Qualification-Level Condition.

One awarding organisation suggested that having a heavily publicised end date, supported by a communications campaign, with reminders from Ofqual and the Department, would be beneficial. Ofqual was also asked to clarify exactly when the 12-month transitional period would begin.

Respondents who disagreed or neither agreed nor disagreed with our proposal were concerned whether students, in particular apprentices, would have time to complete their qualifications in the transition period, considering the ongoing impact of the pandemic.

## Our decision

Having considered this feedback, Ofqual has decided to implement this proposal and to put into effect the relevant Condition.

This approach will ensure awarding organisations will not be able to make FSQs in ICT at any level available after the 12-month transitional period. This will help to protect the FSQ brand and the qualification type, by ensuring that any qualification with the FSQ title is regulated against the reformed subject-level Conditions.

The decision made following the first consultation to put in place a 12-month transition period was not the focus of this question, but we have looked at this again to assure ourselves that this will not adversely affect students. Entries for FSQs in ICT have been declining, largely as a result of the withdrawal of apprenticeship frameworks, where the achievement of FSQs in ICT was a requirement. As students will have until August 2024 to complete their FSQs in ICT, Ofqual considers that the 12-month transition period remains appropriate and will work with the Department to publicise the certification end-date.

The transition period will begin 1 August 2023, at which point students can no longer register for FSQs in ICT. Students will have 12 months in which to complete their qualifications.

# Our proposed qualification-level and subject-level rules and guidance

## Conditions and requirements

### Responses received

Six respondents commented on our proposed Conditions and requirements.

They were mostly about the underpinning policy proposals on which Ofqual has previously consulted, rather than on the drafting of the Conditions and requirements themselves. Comments included:

- 55 hours of guided learning (GLH) would be insufficient, in particular for Entry level students
- assessment strategies were an unnecessary regulatory burden, only used by Ofqual
- awarding organisations could not keep GLH and Total Qualification Time under review, as the GLH was set by the Department
- adaptations to the contexts in assessments at Entry level 3 should not be permitted given the purpose and requirement of the qualifications which expects students to respond to real-life and work contexts
- given the similarities in the content and purpose, Ofqual should specify an approach to awarding for Essential Digital Skills qualifications as well as for Digital FSQs

One awarding organisation thought plain English could have been better employed in the drafting of the Conditions and requirements. Another respondent said the Conditions and requirements were very detailed, and so it was important that the accompanying guidance was clear.

### Our decision

Having considered this feedback, Ofqual has decided to implement the Conditions and requirements as drafted for the consultation, with only minor changes to the assessment strategy requirements (discussed below). The comments made by respondents did not raise any issues not previously considered as part of the first consultation on Digital FSQs.

We will work with awarding organisations as they develop their qualifications to assist them in understanding our regulatory framework.

## Guidance

### Responses received

Three respondents commented on the proposed guidance.

A representative organisation thought that, although the guidance was clear, because it was published in a separate document, this might lead to confusion. It was suggested that the Conditions, requirements and guidance should be set out alongside each other so that both were absolutely clear.

The awarding organisation that thought better use could have been made of plain English for the proposed Conditions and requirements made the same comment about the guidance.

Another awarding organisation argued that Ofqual's expectation that assessments were delivered to students on-screen and online was unnecessary to maintain standards. It asserted that setting an additional barrier around the delivery of the qualifications that could not be justified by the subject content, could undermine public confidence in the qualifications. It also asked for clarification on assessment availability when assessments are taken as a group and for there to be separate guidance on 'being entered for the assessment' and 'taking the assessment'.

### Our decision

Having considered this feedback and feedback earlier in the consultation, Ofqual has decided to implement the guidance with only minor changes.

Decisions about the design and delivery of qualifications and assessments to reflect the purpose, learning outcomes and subject content lie with Ofqual, not with the Department. As shown in the responses to this consultation, public confidence in the new Digital FSQs will be supported by the delivery of assessments on-screen and online. This is because it better enables the development of assessments which are authentic and relevant to everyday life and the workplace.

Minor changes have been made to the guidance on assessments to supplement the explanations of on-screen and online. We have also made it clearer in the guidance on assessments that awarding organisations must balance any need for access to the internet to complete some assessment tasks with the security of the assessment overall. Minor changes have been made to the assessment strategy requirements to reflect this amended guidance.

As noted in the previous section, we will work with awarding organisations as they develop their qualifications to assist them in understanding our regulatory framework.

## Regulatory impact assessment

Our assessment of the regulatory impact following our previous consultation suggested that, while there may be some ways to mitigate against some of the costs, overall there was likely to be an increased regulatory burden as a result of implementing the proposed arrangements for Digital FSQs.

An updated regulatory impact assessment was included in the second consultation. No additional impacts were identified beyond those previously identified. The impacts previously identified were in relation to:

- assessment design and delivery costs
- costs incurred to expand scope of recognition for delivery of a new type of qualification
- assessment strategy and technical evaluation costs
- transitional arrangements costs
- innovation

Respondents were asked if:

- there were any regulatory impacts that had not been identified arising from the proposals
- any additional impacts were identified, then what steps could be taken to minimise the regulatory impact of the proposals
- there were any other costs, savings or other benefits associated with the proposals that had not been identified
- there was any additional information that should be considered when evaluating the costs and benefits of the proposals
- there was likely to be an impact on the ability of awarding organisations to innovate

## Responses received

Four respondents said there were additional regulatory impacts that we had not identified.

Of these, 2 respondents referred to additional impacts that could arise from the proposal for on-screen and online assessment. One awarding organisation



suggested the burden could be reduced by not requiring schools, colleges and training providers to submit a justification to awarding organisations each time a student required a paper-based assessment. A representative organisation was concerned that the approach would require awarding organisations to invest in technological developments to enable them to offer Digital FSQs, and that the cost of this might make some awarding organisations reluctant to offer the qualifications.

One respondent raised the additional burden created by our requirements for awarding organisations to develop an assessment strategy for Digital Functional Skills qualifications.

One awarding organisation suggested that Ofqual's FSQ Conditions would be more usable and easier to understand if there were qualification-level Conditions with appendices for each subject, rather than 3 separate subject-level Conditions. The respondent suggested the regulatory burden on awarding organisations arising from our proposals could be reduced if we were to take such an approach.

## Our decision

Having considered this feedback, Ofqual has decided that the regulatory approach being implemented for Digital FSQs is proportionate and will not place a significant burden on awarding organisations, in particular those who already recognised and who offer similar qualifications.

Digital FSQs will be a new qualification type, so awarding organisations which decide to offer these new qualifications will need to extend their scope of recognition to include them, which will also lead to an additional impact or burden. This is again necessary to ensure that awarding organisations have the capability and capacity to develop and deliver the new qualifications in line with Ofqual's regulatory requirements.

Delivering assessments on-screen and online is consistent with and supports the purpose, learning aims and outcomes of the qualifications. Awarding organisations may incur costs if they need to introduce new technology to meet Ofqual's expectation of on-screen and online assessment, but the extent of those costs will vary and will be determined by individual awarding organisations.

Awarding organisations will incur some costs through our requirements to develop assessment strategies and participate in the technical evaluation process. That said, as a matter of course, awarding organisations will need to consider and address all the issues relating to the design, development and delivery of these qualifications set out in the assessment strategy requirements when they develop the new qualifications. Therefore, the development of an assessment strategy and sample

assessments materials as part of the technical evaluation process is unlikely to represent a significant additional cost for most awarding organisations.

Engagement with Ofqual during the technical evaluation process will also lead to an additional impact or burden. This is necessary to ensure the new qualifications meet the government's expectations and Ofqual's regulatory requirements.

There will be additional burden for awarding organisations by allowing a 12-month transitional period for Functional Skills in ICT. However, whilst we are permitting a 12-month transitional period, it is not a requirement that awarding organisations continue to deliver Functional Skills in ICT qualifications for the whole 12-month transitional period. Therefore, the impact on awarding organisations is likely to vary depending on the individual approaches they take.

By setting rules around assessment design such as setting rules around the number of components or number of assessments, Ofqual is placing some limits on the ability of awarding organisations to develop different assessment approaches. However, this is necessary to support comparability between awarding organisations and over time. This approach does not restrict innovation in other areas such as the delivery of the qualifications, where innovation is encouraged through the expectation that assessments are delivered on-screen and online.

Respondents identified some regulatory impacts which we had not previously considered:

- the impact of requiring schools, colleges and training providers to submit a justification to awarding organisations each time a student required a paper-based assessment
- the regulatory burden of having 3 separate subject-level Conditions, one each for FSQs in English, FSQs in maths and Digital FSQs.

As noted earlier in this document, requiring centres to justify their need for an exception, and for this to be monitored by the awarding organisations, minimises the risk that centres chose the more familiar option and safeguards the interests of students. Ofqual does not intend to prescribe the level of detail required in any justification and expects awarding organisations to develop systems which are proportionate and manageable for centres. The use of exceptions will be monitored and kept under review.

No changes will be made to Ofqual's FSQ regulatory frameworks at this point in time, but the approach will be reviewed as part of our ongoing evaluation.

## Equality impact assessment

Ofqual is a public body, which means we are bound by the public sector equality duty in the Equality Act 2010. In Annex B of the consultation, we set out how this duty interacts with our statutory objectives and other duties.

Following our first consultation we set out our assessment of the equality impacts of our proposals. We published our updated impact assessment in the second consultation. We did not identify any additional equality impacts. The equality impacts were in relation to:

- assessment delivery
- qualification design
- qualification levels

Respondents were asked to identify any additional equalities impacts, and to comment on how these additional impacts might be mitigated.

## Responses received

Ten respondents said they had identified additional equalities impacts, with some referring to particular groups of students they believed would be affected.

Four respondents referred to students with special educational needs and disabilities (SEND), one of which suggested a potential positive impact for such students. Of these 4 respondents, 2 outlined the need for appropriate assistive technology to be available to such students, one of these mentioned the need for carers to understand how to work with such technologies safely. Two respondents mentioned the lack of provision at levels below Entry level 3 as having a potential impact on students with SEND.

Three respondents outlined concerns related to access to digital devices, which was flagged as an issue that could have adverse socioeconomic impacts. One respondent raised concerns that students in prison would struggle to achieve full marks due to restricted access to the internet.

One respondent referred to the needs of students with physical disabilities and said awarding organisations would need to ensure students who take paper-based assessments are neither inadvertently disadvantaged nor advantaged by doing so. One respondent raised concerns with our proposed approach to special consideration using paper-based assessments.

One respondent said consideration would need to be given to alternative provision for students who do not have English as a first language. One respondent queried how Digital FSQs would be marketed to diverse audiences.

## Our decision

Overall respondents did not identify any equality impacts that we had not considered or that have led us to change our approach.

Ofqual's regulatory framework will expect Digital FSQ assessments to be delivered on-screen and online and that paper-based assessment materials will not be generally available. They will, however, be permitted as an exception, including as part of reasonable adjustments or special consideration, where this is necessary and appropriate to meet students' needs. This will enable awarding organisations to take account of the needs of students who share particular protected characteristics when determining their approach. It will also allow awarding organisations to take account of the need of students in different types of settings, such as prisons.

Awarding organisations are required to comply with equalities legislation. Our existing General Conditions of Recognition reinforce this in relation to the qualifications they make available. They are required to monitor their qualifications to identify features which may disadvantage a group of students who share a protected characteristic. This applies to the design, delivery and award of their qualifications, whether they are made available on-screen and online or through paper-based assessment materials.

The use of on-screen and online assessment could also increase the accessibility of the qualifications, for example by facilitating the use of assistive technology. This could give students with protected characteristics, for example students with disabilities, a greater opportunity to engage with digital learning. In some cases, awarding organisations may conclude that the use of assistive technology may be a more appropriate approach to reasonable adjustments and special consideration than the use of paper-based assessment materials.

The Digital FSQ subject content has been developed by the Department at Entry level and Level 1. The subject content does not differentiate between the 3 entry sub-levels because the Department has concluded this better reflects how digital skills are typically taught, learned and applied. Following the first consultation, it was decided that Digital FSQs should be awarded at Entry level 3 and Level 1 only. While this may give rise to a negative impact on students with certain disabilities, this decision stems from the approach to the subject content. This does not, however, prevent 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.

The subject content does require the use of digital devices and access to the internet to carry out some tasks and activities. The Department has published an [equality impact assessment](#) for the subject content.

The language used in any assessments should not be a barrier to students which prevents them from demonstrating their knowledge, skills and understanding. This includes students whose first language is not English. Ofqual will shortly announce the outcomes of a [consultation on guidance on designing and developing accessible assessments](#). Awarding organisations must have regard for any guidance Ofqual published and the accessibility of assessments will be monitored through the technical evaluation process.

The Department is responsible for the promotion of the adult digital offer to learners and will do so as part of its new [Skills for Life campaign](#).

# Annex 1

## Mapping decisions to the Conditions, requirements and Guidance

The following section sets out how the final version of the Conditions, requirements and Guidance gives effect to the decisions we made following the May 2019 consultation (as set out [in the May 2019 consultation decisions document](#)) and to those decisions reported in this document following the second consultation on the regulation of Digital FSQs.

### Subject content

**Decision: to set rules around the weighting of marks allocated to the assessment of practical digital skills within assessments**

Relates to the following Conditions, requirements and Guidance:

- Condition DFS7 Assessment
- Assessment Strategy Requirements
- Assessment Requirements

**Decision: to set rules around the coverage and sampling of subject content**

Relates to the following Conditions, requirements and Guidance:

- Condition DFS7 Assessment
- Assessment Requirements (Coverage of, and alignment with the subject content)

**Decision: to issue guidance on the differentiation between qualification levels**

Relates to the following Conditions, requirements and Guidance:

- Guidance on assessments (Differentiating between qualification Levels)

### Assessment design

**Decision: to issue guidance on assessment design and delivery**

Relates to the following Conditions, requirements and Guidance:

- Condition DFS7 Assessment

- Assessment Requirements
- Guidance on assessments

**Decision: to set rules around the number of components**

Relates to the following Conditions, requirements and Guidance:

- Condition DFS7 Assessment
- Assessment Requirements (Single Component)

**Decision: to set rules around the number of assessments**

Relates to the following Conditions, requirements and Guidance:

- Condition DFS7 Assessment
- Assessment Requirements (Number of Assessments)

## Assessment times

**Decision: to set rules around minimum and maximum assessment times**

Relates to the following Conditions, requirements and Guidance:

- Condition DFS7 Assessment
- Assessment requirements (Overall assessment time)

## Assessment availability

**Decision: to issue guidance setting out our expectation that assessments are delivered on-screen and online and that we would not expect paper-based assessment materials to be made generally available**

Relates to the following Conditions, requirements and Guidance:

- Guidance on assessments (Assessment availability)

## Transitional arrangements

**Decision: To introduce a qualification-level condition to ensure that awarding organisations will not be able to make FSQs in ICT at any level available after the 12 month transitional period**

Relates to the following Conditions, requirements and Guidance:

- Condition FSQ1



© Crown Copyright 2022

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated.

[View the Open Government Licence at The National Archives website](#) or write to:  
Information Policy Team, The National Archives, Kew, London TW9 4DU

Published by:



Earlsdon Park  
53-55 Butts Road  
Coventry  
CV1 3BH

0300 303 3344

[public.enquiries@ofqual.gov.uk](mailto:public.enquiries@ofqual.gov.uk)

[www.gov.uk/ofqual](http://www.gov.uk/ofqual)