



NCFE Undertaking

Undertaking given by NCFE to the Office of Qualifications and Examinations Regulations ('Ofqual'), in accordance with B8 of the General Conditions of Recognition ('the Conditions')

Background

1. NCFE is an awarding organisation recognised by Ofqual to deliver the following Technical Qualifications ('TQs') which form part of T Levels¹:

Health and Science T Level route

- a) T Level Technical Qualification in Health (Level 3) 603/7066/X
- b) T Level Technical Qualification in Science (Level 3) 603/6989/9
- c) T Level Technical Qualification in Healthcare Science (Level 3) 603/7083/X

Education and Childcare T Level route

- d) T Level Technical Qualification in Education and Childcare (Level 3) 603/5829/4

Digital T Level route

- e) T Level Technical Qualification in Digital Support Services (Level 3) 603/6901/2
- f) T Level Technical Qualification in Digital Business Services (Level 3) 603/6902/4

2. Each of these TQs has two components: the core component and the occupational specialism component. The core component has two sub-components: the Core Examination, which comprises 2 written examinations (papers A and B); and the Core Project which is an employer set-project (ESP).

¹ A T Level is a composite technical study programme, aimed at preparing young people for work, higher level apprenticeships or higher education. It comprises 4 key components, one of which is the Ofqual regulated Technical Qualification (TQ).

3. This Undertaking relates to the 2 written examinations (papers A and B) for each of the TQ's listed at paragraph 1 above ('the Core Examination papers').

Health and Science T Level route

Incident

4. NCFE's TQ Health paper B was sat by Learners on 23 June 2022. Several providers contacted NCFE expressing concern over both the context and content of the paper.
5. On 18 August 2022, NCFE issued results to 1115 Learners in respect of the Health (914 Learners), Healthcare Science (46 Learners) and Science (155 Learners) Core Examination papers. The level of attainment was relatively low when compared to other T Level routes.
6. On 19 August 2022, NCFE notified Ofqual that it had received complaints, primarily regarding the results issued for its Core Examination papers in Health, alongside substantial media activity questioning the results outcomes in comparison to the national average grade profile.
7. On 30 August 2022, NCFE provided a report to Ofqual following its own internal review of the issues. The report included NCFE's analysis of the data and an evaluation of options going forward. These included reweighting the ESP and discounting some proposed questions that NCFE had considered could be perceived as requiring a depth of knowledge and understanding which is too great for a Level 3 qualification.

Ofqual's Technical Review

8. In September 2022, Ofqual conducted its own technical review of NCFE's 6 Core Examination papers under the Health and Science T Level route ("Health and Science Technical Review, September 2022"). The review considered:
 - a) whether the papers and mark schemes were in line with the specification and Specimen Assessment Materials (SAMs), including:
 - i. whether the contexts provided for questions in the papers were reasonable; and
 - ii. whether the papers and mark schemes were appropriate and assessed a level of demand that appeared consistent with Level 3 qualifications.
 - b) The rationale NCFE provided for the questions it proposed to remove.

9. The review was conducted by an independent subject expert and a panel of internal Ofqual staff.
10. The review identified fundamental issues with all 6 Core Examination papers and their associated mark schemes including question errors, inadequate mark schemes and questions covering areas not explicitly in the specification. Ofqual concluded that the cumulative effect of those issues meant that the assessments were not fit for purpose and did not secure a sufficiently valid or reliable measure of student performance.
11. On 6 and 8 September 2022, Ofqual shared the findings of its review with NCFE.

NCFE's response

12. On 16 September 2022, NCFE responded to Ofqual's Health and Science Technical Review and broadly agreed with the findings made by Ofqual.

Failure to comply with Conditions

13. NCFE has accepted that its Core Examination papers for its TQs in the Health and Science T Level route were not fit for purpose as required under G9 of the General Conditions of Recognition.

Education and Childcare T Level route

14. In June 2022, Ofqual wrote to NCFE to raise concerns about the targeting of assessment objectives in its November 2021 Core Examination papers for its TQ in Education and Childcare ("Education and Childcare Technical Review, June 2022"). NCFE acknowledged the issues raised by Ofqual and agreed to submit a detailed action plan to demonstrate how it intended to resolve those issues and ensure compliance with its Conditions of Recognition.

Digital T Level route

15. Given the range of issues identified in the Health and Science and Education and Childcare TQs, Ofqual considers that there is a risk that similar issues may be present in NCFE's Digital TQs.

Undertaking

16. Ofqual has initiated an investigation into NCFE's Health and Science TQs to identify, amongst other things, how the issues set out above occurred. As an interim measure, Ofqual has accepted this Undertaking from NCFE to secure assurance that these issues will not be repeated in future assessment series for any of NCFE's TQs. This is without prejudice to any further findings and/or regulatory action Ofqual may consider appropriate in relation to this incident at a later date.

17. In relation to each of the TQs listed at paragraph 1 above, NCFE hereby undertakes to:

- a) Perform the actions set out in the Action Plan (Annex A) within the timescales set out therein;
- b) Maintain and retain appropriate records and evidence to demonstrate how the actions within the Action Plan have been completed and provide these to Ofqual upon request;
- c) Promptly notify Ofqual if it has cause to believe that it will not meet one or more of the timescales set out in its Action Plan, including a revised date by which it expects to meet the timescale(s).
- d) Provide Ofqual with the dates of its standardisation and awarding meetings no later than three weeks prior to the first of those meetings, so that Ofqual may attend and observe those meetings;
- e) Provide Ofqual with a copy of the Core Examination papers and mark schemes as soon as reasonably possible, and no later than 24 hours after the assessments have been delivered;
- f) Provide to Ofqual a Statement of Assurance for each TQ, supported by evidence, confirming that:
 - i. the actions set out in the Action Plan have been completed;
 - ii. the actions taken have been effective in addressing all of the issues identified by Ofqual in its Health and Science Technical Review, September 2022 and Education and Childcare Technical Review, June 2022 (where applicable);
 - iii. NCFE is assured that the issues identified by Ofqual in its Health and Science Technical Review, September 2022 and Education and Childcare Technical Review, June 2022 are not present in the Core Examination papers currently scheduled to be delivered in autumn 2022; and

- iv. the Core Examination papers currently scheduled to be delivered in autumn 2022 will be delivered by NCFE in compliance with its Conditions of Recognition.

Each Statement of Assurance required under paragraph 17(f) must be provided to Ofqual in writing via the Portal **before** NCFE's final sign off stage for each Core Examination paper (that is, before each paper has been sent to print). Each Statement of Assurance must be authorised and signed by NCFE's Governing Body.

- g) Provide to Ofqual a Statement of Assurance for each TQ, supported by evidence, confirming that:
 - i. its marking of the Core Examination papers has been completed consistently and in accordance with the mark scheme.

Each Statement of Assurance required under paragraph 17(g) must be provided to Ofqual in writing via the Portal **after** marking has been completed and **before** awarding takes place.

18. In the event that it is unable to provide to Ofqual any of the Statements of Assurance required under paragraph 17(f) above, NCFE undertakes to:

- a) provide to Ofqual a Statement of Non-Compliance which sets out (where applicable):
 - i. which aspects of the Action Plan and/or Undertaking have not been completed, why those actions have not been completed and the date by which it expects to complete each action;
 - ii. which actions have not been effective in addressing the non-compliance and risks set out in this Undertaking and why;
 - iii. what further steps it has taken or proposes to take to ensure compliance and within what timescale.

Each Statement of Non-Compliance required under paragraph 18(a) above must be provided to Ofqual in writing via the Portal **before** NCFE's final sign off stage for each Core Examination paper (that is, before each paper has been sent to print).

19. In the event that it is unable to provide to Ofqual any of the Statements of Assurance required under paragraph 17(g) above, NCFE undertakes to:

- a) provide to Ofqual a Statement of Non-Compliance which sets (where applicable):
 - i. how and why the marking of the Core Examination paper(s) has not been completed consistently and/or in accordance with the mark scheme; and

- ii. what further steps it has taken or proposes to take to ensure compliance and within what timescale.

Each Statement of Non-Compliance required under paragraph 19(a) above must be provided to Ofqual in writing via the Portal **after** marking has been completed and **before** awarding takes place.

20. In relation to each TQ listed in paragraph 1 above, NCFE further undertakes to:

- a) Comply with any written requirements specified to it by Ofqual during the operational period of this Undertaking including after it has submitted a Statement of Assurance or Statement Non-Compliance under this Undertaking.
- b) Provide a further action plan to Ofqual setting out the steps it will take to ensure that its Core Examination papers currently scheduled to be delivered in summer 2023 will be delivered in accordance with its Conditions of Recognition.

The action plan required under paragraph 20(b) above must be provided to Ofqual in writing via the Portal by **4pm on 31 January 2023** and must specify the timescales within which each action will be completed.

Declaration

21. In giving this Undertaking, I acknowledge on behalf of NCFE that:

- a) The rules of interpretation and definitions outlined in General Condition J1 and TQ23 shall apply to this Undertaking;
- b) Ofqual will publish this Undertaking (but not the Action Plan) on a date to be confirmed following consultation with NCFE;
- c) Ofqual may provide information to the Department for Education (DfE) and the Institute for Apprenticeships and Technical Education (IfATE) about NCFE's Undertaking and Action Plan, including NCFE's performance under the Undertaking and the sharing of any updates provided by NCFE and Ofqual's analysis of it²;
- d) Ofqual may take regulatory action in respect of any failure to comply with the terms of this Undertaking which may include the issue of a Direction, the imposition of a Monetary Penalty, Withdrawal of Recognition, Costs Recovery, and/or any other such action as it deems appropriate, acting in accordance with Ofqual's 'Taking Regulatory Action' policy (2012³);

² In accordance with sections 156 and 157 of the Apprenticeships, Skills, Children and Learning Act 2009.

³ And as amended from time to time.

- e) Nothing within this Undertaking restricts Ofqual's ability to conduct its own review, audit, investigation and/or other monitoring activity of NCFE at any time; and
- f) This Undertaking, and the breaches admitted within it, are accepted by Ofqual without prejudice to any further breaches of the Conditions which Ofqual may allege and/or any further regulatory action which Ofqual may take in respect of this incident.

Signed: S Foster

Name: Stewart Foster

Responsible Officer

NCFE

Date: 11 October 2022