

Saving and transitional provisions for GCE qualifications

August 2016

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About this document

The Apprenticeships, Skills, Children and Learning Act 2009¹ (the “2009 Act”) allows us to set an accreditation requirement for qualifications (or descriptions of qualifications).

We have set such an accreditation requirement for all GCE AS and A levels. That means they can only be awarded if they are accredited.

As part of the process for reforming AS and A level qualifications, we have set dates on which accreditation ends for all legacy AS and A level qualifications.

Section 140(10) of the 2009 Act allows us to set rules (called “saving and transitional provisions”) which apply when a qualification’s accreditation ends. We are using this power to set rules about the availability of re-sits for legacy AS and A levels.

This document sets out those rules.

Revisions to this document

This document was originally published in June 2016, and revised in August 2016.

The August 2016 version introduces new provisions (paragraphs 7, 14 and 21) which allow for late awards.

¹ www.legislation.gov.uk/ukpga/2009/22/section/138

Saving and transitional provisions for GCE qualifications

1. We have previously decided that GCE qualifications² in the following subjects which were accredited prior to 19th June 2014 will cease to be accredited on 31st August 2016 —

- Art and Design
- Biology
- Business Studies
- Chemistry
- Computing
- Economics
- English Language
- English Literature
- English Literature and Language
- History
- Physics
- Psychology
- Sociology.

(the '2016 GCE Subjects')

2. We have also decided that GCE qualifications in the following subjects which were accredited prior to 19th June 2014 will cease to be accredited on 31st August 2017 –

- Classics: Classical Greek
- Classics: Latin

² For the purposes of these saving and transitional provisions a GCE qualification is either a GCE A level qualification, or a GCE AS qualification, which was accredited prior to 19th June 2014.

- Dance
- Drama and theatre studies
- French
- Geography
- German
- Music
- Performance studies
- Performing arts
- Physical education
- Religious studies
- Spanish

(the '2017 GCE Subjects')

3. GCE qualifications in all other subjects which were accredited prior to 19th June 2014 (the '2018/19 GCE Subjects') will cease to be accredited on either 31st August 2018 or 31st August 2019, subject to any decision made by Ofqual to extend that date under section 140(7) of the Apprenticeships, Skills, Learning and Children Act 2009 (the '2009 Act').
4. We have made the following saving and transitional provisions under section 140(10) of the 2009 Act in respect of GCE qualifications in the 2016 GCE Subjects, the 2017 GCE Subjects and the 2018/19 GCE Subjects. An awarding organisation is required to comply with these saving and transitional provisions under Condition D9.1.
5. For the purposes of these saving and transitional provisions a 'GCE qualification' is either a GCE A level qualification, or a GCE AS qualification, which was accredited prior to 19th June 2014.

GCE qualifications that will cease to be accredited on 31st August 2016

6. Subject to these saving and transitional provisions and the completion of any relevant appeal procedure, an awarding organisation must ensure that the final award of each GCE qualification in a 2016 GCE Subject which it makes available takes place in August 2016.

7. Where an awarding organisation has previously provided an opportunity for a Learner to claim an award of a GCE qualification that it makes available in a 2016 GCE Subject after results for that qualification have been issued ('a late award'), the awarding organisation must provide a similar opportunity in 2016 –
 - (a) even where that leads to an award after 31st August 2016, and
 - (b) subject to any cut-off date that the awarding organisation places on the opportunity to claim the late award.
8. In respect of each GCE qualification in a 2016 GCE Subject which it makes available an awarding organisation must -
 - (a) provide an opportunity in the 2017 calendar year for Learners³ to take the qualification again (a '2017 GCE Re-sit'),
 - (b) ensure that each 2017 GCE Re-sit which it provides meets the requirements outlined in paragraphs 9 to 11,
9. In respect of each 2017 GCE Re-sit which it provides, an awarding organisation must ensure that -
 - (a) Learners complete the Assessments by Examination to be taken as part of that 2017 GCE Re-sit during May and/or June 2017,
 - (b) a Learner does not complete any assessment to be taken as part of that 2017 GCE Re-sit after 30th June 2017, and
 - (c) the awarding organisation continues to comply with all of the Conditions of Recognition and Regulatory Documents which apply to the relevant qualification,⁴ including those in relation to the marking of assessments, the setting of specified levels of attainment, the issue of results, appeals and the issue of certificates.
10. An awarding organisation must take all reasonable steps to ensure that it only provides a 2017 GCE Re-sit to a Learner who –

³ In this document words have the same meaning as defined in the General Conditions of Recognition, including the relevant Qualification Level Conditions and Subject Level Conditions.

⁴ For the avoidance of doubt, this includes the *Criteria for GCE AS and A-level Qualifications*, July 2011, insofar as it constitutes a Regulatory Document. If there is any inconsistency in a provision in those criteria and these saving and transitional provisions, these saving and transitional provisions shall prevail.

- (a) was issued with a result for the relevant qualification before 31st August 2016, or
 - (b) would have been entered to complete the Assessments by Examination to be taken for that qualification before 1st July 2016, but was not entered due to illness, injury or some other event outside of his or her control.
11. In respect of each 2017 GCE Re-sit which it provides, an awarding organisation must ensure that –
- (a) a Learner may use the result for a unit which he or she has taken previously for the same qualification made available by the awarding organisation, and
 - (b) that Learner is not required to take any assessment for that unit again before being awarded the qualification.
12. If requested, an awarding organisation must provide a 2017 GCE Re-sit which meets the requirements in paragraphs 9 and 10 to a Learner who took the Assessments by Examination for a GCE qualification of the same description (A level or AS, as relevant) in the same 2016 GCE Subject with a different awarding organisation before 31st August 2016. For the avoidance of doubt, this paragraph does not apply where an awarding organisation does not already make available a GCE qualification of the same description in the same 2016 GCE Subject.

GCE qualifications that will cease to be accredited on 31st August 2017

13. Subject to these saving and transitional provisions and the completion of any relevant appeal procedure, an awarding organisation must ensure that the final award of each GCE qualification in a 2017 GCE Subject which it makes available takes place in August 2017.
14. Where an awarding organisation has previously provided an opportunity for a Learner to claim an award of a GCE qualification that it makes available in a 2017 GCE Subject after results for that qualification have been issued ('a late award'), the awarding organisation must provide a similar opportunity in 2017 –
- (a) even where that leads to an award after 31st August 2017, and
 - (b) subject to any cut-off date that the awarding organisation places on the opportunity to claim the late award.
15. In respect of each GCE qualification in a 2017 GCE Subject which it makes available an awarding organisation must -

- (a) provide an opportunity in the 2018 calendar year for Learners to take the qualification again (a '2018 GCE Re-sit'),
 - (b) ensure that each 2018 GCE Re-sit which it provides meets the requirements outlined in paragraphs 16 to 18,
16. In respect of each 2018 GCE Re-sit which it provides, an awarding organisation must ensure that -
- (a) Learners complete the Assessments by Examination to be taken as part of that 2018 GCE Re-sit during May and/or June 2018,
 - (b) a Learner does not complete any assessment to be taken as part of that 2018 GCE Re-sit after 30th June 2018, and
 - (c) the awarding organisation continues to comply with all of the Conditions of Recognition and Regulatory Documents which apply to the relevant qualification⁵, including those in relation to the marking of assessments, the setting of specified levels of attainment, the issue of results, appeals and the issue of certificates.
17. An awarding organisation must take all reasonable steps to ensure that it only provides a 2018 GCE Re-sit to a Learner who –
- (a) was issued a result for the relevant qualification before 31st August 2017, or
 - (b) would have been entered to complete the Assessments by Examination to be taken for the qualification before 1st July 2017, but was not entered due to illness, injury or some other event outside of his or her control.
18. In respect of each 2018 GCE Re-sit which it provides, an awarding organisation must ensure that –
- (a) a Learner may use the result for a unit which he or she has taken previously for the same qualification made available by the awarding organisation, and
 - (b) that Learner is not required to take any assessment for that unit again before being awarded the qualification.

⁵ For the avoidance of doubt, this includes the *Criteria for GCE AS and A-level Qualifications*, July 2011, insofar as it constitutes a Regulatory Document. If there is any inconsistency in a provision in those criteria and these saving and transitional provisions, these saving and transitional provisions shall prevail.

19. If requested, an awarding organisation must provide a 2018 GCE Re-sit which meets the requirements in paragraphs 16 and 17 to a Learner who took the Assessments by Examination for a GCE qualification of the same description (A level or AS, as relevant) in the same 2017 GCE Subject with a different awarding organisation before 31st August 2017. For the avoidance of doubt, this paragraph does not apply where an awarding organisation does not already make available a GCE qualification of the same description in the same 2017 GCE Subject.

GCE qualifications that will cease to be accredited on 31st August 2018 or 31st August 2019

20. Subject to these saving and transitional provisions and the completion of any relevant appeal procedure, an awarding organisation must ensure that the final award of each GCE qualification in a 2018/19 GCE Subject which it makes available takes place in August of the calendar year in which the accreditation for that qualification ceases.
21. Where an awarding organisation has previously provided an opportunity for a Learner to claim an award of a GCE qualification that it makes available in a 2018/19 GCE Subject after results for that qualification have been issued ('a late award'), the awarding organisation must provide a similar opportunity in the calendar year in which the accreditation for that qualification ceases –
 - (a) even where that leads to an award after 31st August in the calendar year in which the accreditation for that qualification ceases, and
 - (b) subject to any cut-off date that the awarding organisation places on the opportunity to claim a late award.
22. In respect of each GCE qualification in a 2018/19 GCE Subject which it makes available an awarding organisation must -
 - (a) provide an opportunity in the calendar year after the accreditation for the qualification has ceased for Learners to take the qualification again (a 2019/20 GCE Re-sit'),
 - (b) ensure that each 2019/20 GCE Re-sit meets the requirements outlined in paragraphs 23 to 25,
23. In respect of each 2019/20 GCE Re-sit which it provides, an awarding organisation must ensure that -
 - (a) Learners complete the Assessments by Examination to be taken as part of that 2019/20 GCE Re-sit during May and/or June in the calendar year after the accreditation for the qualification has ceased,

- (b) a Learner does not complete any assessment to be taken as part of that 2019 GCE Re-sit after 30th June in the calendar year after the accreditation for the qualification has ceased, and
 - (c) the awarding organisation continues to comply with all of the Conditions of Recognition and Regulatory Documents which apply to the relevant qualification,⁶ including those in relation to the marking of assessments, the setting of specified levels of attainment, the issue of results, appeals and the issue of certificates.
24. An awarding organisation must take all reasonable steps to ensure that it only provides a 2019/20 GCE Re-sit to a Learner who –
- (a) was issued a result for the relevant qualification before the date on which the accreditation for that qualification ceased, or
 - (b) would have been entered to complete the Assessments by Examination to be taken for the qualification before 1st July in the calendar year in which the accreditation for that qualification ceased, but was not entered due to illness, injury or some other event outside of his or her control.
25. In respect of each 2019/20 GCE Re-sit which it provides, an awarding organisation must ensure that –
- (a) a Learner may use the result for a unit which he or she has taken previously for the same qualification made available by the awarding organisation, and
 - (b) that Learner is not required to take any assessment for that unit again before being awarded the qualification.
26. If requested, an awarding organisation must provide a 2019/20 GCE Re-sit which meets the requirements in paragraphs 23 and 24 to a Learner who took the Assessments by Examination for a GCE qualification of the same description (A level or AS, as relevant) in the same 2018/19 GCE Subject with a different awarding organisation before 31st August in the calendar year in which the accreditation for that qualification ceased. For the avoidance of doubt, this paragraph does not apply where an awarding organisation does not already

⁶ For the avoidance of doubt, this includes the *Criteria for GCE AS and A-level Qualifications*, July 2011, insofar as it constitutes a Regulatory Document. If there is any inconsistency in a provision in those criteria and these saving and transitional provisions, these saving and transitional provisions shall prevail.

make available a GCE qualification of the same description in the same 2018/19 GCE Subject.

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