

Federation of Awarding Bodies – response to the DfE Implementation of T level Programmes Consultation, February 2018

Overview of the Federation of Awarding Bodies

The Federation of Awarding Bodies is the trade association for vocational and technical awarding organisations (AOs) with over 125 organisations in full membership ranging from large generic AOs to those working in specific occupational areas, including professional bodies.

Our members operate across a wide range of technical/vocational sectors and provide a range of qualifications to support learners to qualify and progress in their chosen sector. They have a commitment to making technical and vocational qualifications available which meet the needs of employers and learners and they are therefore supportive of the government's commitment to a robust, high-quality technical education system.

Many of our members award qualifications to learners in the 16-19 age range at level 2 and level 3. We therefore have an interest in the Department for Education's (DfE) T level consultation, its implications for level 3 qualifications and the potential implications for qualifications at other levels, including level 2 and levels 4 and 5 qualifications for 16-19 year olds and adult learners. We have a specific interest in the Technical Qualification Annex and the proposals for the assessment, grading and comparability of T levels. The Annex includes information on areas in which our members hold high levels of expertise and they are well placed to comment on these proposals.

The Federation also has a specific interest in the proposals for establishing single licences for the technical qualifications and the risks this approach will introduce to the technical education market for learners, providers and the government. These risks have been highlighted by the recent collapse of Carillion and the wide-ranging impact of this, including the impact on over 1400 apprentices.

This consultation response is provided on behalf of the Federation's members following consultation with them and with the Federation's Board of Directors. The consultation response has been developed following two dedicated member events where over 40 awarding organisation representatives contributed their views on the T level proposals. These events were in addition to the three events held in collaboration with DfE. All members were provided with the opportunity to comment on the draft response before it was submitted to DfE.

It must, however, be noted that AOs are a diverse community and our members may wish to make their own individual submissions containing their own perspectives and emphases, in addition to any

comments forwarded to the Federation for inclusion in this overall response.

Question 1: Do you agree that the principles outlined above are the right ones on which to base a review of which level 3 qualifications we should continue to fund in the new system, alongside T levels and A levels? Yes/No. If no, what other principles do you think we should consider?

NO

The Federation would like to make a number of points about the implementation of T levels before moving on to comment on the 3 principles for the wider level 3 offer. We hope these additional points are useful to DfE in its ongoing considerations relating to the implementation of T levels.

The Federation supports the Government's commitment to a world-class, rigorous technical education system for learners in England. Our members have, for many years, sought to provide high-quality technical and vocational qualifications to a wide range of learners to support them in their progression to further study, employment, apprenticeships and higher education irrespective of their age, academic achievements or social background.

We do, therefore, support many of the overarching principles that are outlined in the consultation document. Our commitment to ensuring this reform delivers positive outcomes is illustrated through our ongoing work with the DfE team to support consultation and engagement activities with our members and the regular dialogue between our Board and DfE. However, the Federation believes that the success of the reform could be more readily realised if the points below were addressed:

- **The place and added value of T levels in the education landscape should be more clearly defined and articulated.** T levels will enter a landscape that is already well-served by apprenticeships, traineeships, Access to HE courses, applied general qualifications, technical certificates, tech awards and a range of qualifications (at all levels) that have been developed by awarding organisations (AOs) to meet the needs of employers. It is not yet clear what value T levels will add to this offer and what 'problem' they are trying to solve. At present, they appear to be a narrowed down version of the 16-19 study programmes that already exist and were introduced in response to the Wolf Report (2011). If there are weaknesses with study programmes then it would perhaps be a better option to identify and address those.
A mapping of learner pathways which illustrates the type of learner that is expected to choose to study a T level, why they would choose a T Level over any other option, and what they will be able/expected to do at the end of it, may help to deliver this clarity. This would help to more clearly illustrate the value of this reform and would also place some focus on ensuring the reforms benefit learners – the key group whose needs should be central in these education reform activities.
- **The clarity and communication of the technical offer should be prioritised over the pursuit of radical simplification.** The Federation believes that having 'radical simplification' as a key driving principle in these reforms presents a risk to the future success of T levels in

that it may result in a narrowing of the offer to the point where it no longer meets the diverse needs of employers and learners. We believe that striving to have a clearly articulated system that is supported by effective information, advice and guidance for learners (and other stakeholders) and which is not subject to frequent, successive, short-term reforms would be a more valuable principle to adopt.

- **There should be a focus on, and commitment to, the future stability of the technical education system.**

There has been a significant amount of policy change in relation to technical/vocational education in recent times. The [City and Guilds Sense and Instability](#) report clearly lays out much of this change and the recent CBI report [In Perfect Harmony: Improving Skills Delivery in England](#) highlights how these 'frequent and disruptive changes have not effectively addressed genuine skills issues'. Taking the time to ensure that T levels are developed and implemented in a way that gives them the best chance of being an effective and long-term feature of the education system is therefore crucial.

This frequent change to the technical education system also impacts on the global export opportunities for technical education, potentially making England's offer less attractive than that of other countries with less flux in their education systems. This is a significant multi-million-pound global market.

- **The timescale for the development and implementation of T levels must be extended.**

The aspiration to have a robust, high-quality technical offer for learners in England is one that the Federation supports. We therefore believe it is essential to take the time required to reform the system to ensure it meets the needs of employers, learners and other stakeholders. The date for first implementation should be moved to at least 2021 or preferably 2022 to allow sufficient time for the whole system to be designed, developed and communicated to parents and learners effectively.

- **Key stage 4 technical education provision should be expanded.**

The Federation supports the drive for a high-quality technical education system for learners aged 16 plus and our members have been committed to this for many years. However, we also believe there is a need to consider the opportunities for learners to experience technical education at school, pre-16, as this may help to increase the flow of learners in to T levels. Since the implementation of the recommendations of the Wolf Review (2011) we have seen a dramatic decline in the number of technical/vocational qualifications that are eligible to count in the 14-16 performance tables. It is, therefore, reasonable to question whether learners will be well-placed to choose the technical route at aged 16, potentially having had little or no exposure to technical education by that point.

Broadening the technical offer in the key stage 4 performance tables would potentially aid smooth progression into the T levels at 16. The future plans for performance tables beyond 2020 needs to be clarified as soon as possible to ensure that AOs can provide clarity to the schools they work with.

- **The funding of current technical qualifications for 16-19 year olds should continue alongside T levels.**

Given the range of different employer needs and the fact that many

existing qualifications have been designed with employers, for employers, there is a risk that by 'replacing' them with a narrow set of T levels at level 3 employers will find there is little or no provision available to meet their specific needs. The Federation understands the need to ensure that there is a positive return to the qualifications that are on offer and we would point to the recent work of the Centre for Vocational Education Research (CVER) "[The Payoff to Vocational Qualifications: Reconciling Estimates from Survey and Administrative Data](#)" Gavan Conlon, Sophie Hedges, Steven McIntosh, Damon Morris and Pietro Patrignani, CVER [Research Paper 009 \(November 2017\)](#), which has analysed data sets to show the generally positive returns to vocational qualifications.

- **A 'third option' should be made available for learners.** The Federation believes that consideration should be given to the provision of a third option for learners who do not feel a purely academic or technical route meets their needs. Providers should be given the flexibility to respond to the needs of the individual learners, including where the learner wishes to pursue a 'mixed' approach to their learning at age 16-19. Learners could be offered some academic learning PLUS some technical learning. This type of 'mixed' approach would still support access to Higher Education (HE) or an apprenticeship, as it does now. There is a risk that faced only with an untried and untested technical offer (T levels) or a well-known and embedded academic option (A levels) that learners will be increasingly driven to the academic pathway, regardless of whether they are best suited to that option.
- **The regulation of the qualifications within T levels should be the responsibility of Ofqual.** There is little mention in the consultation of Ofqual and the role it will play in T levels as the regulator for qualifications in England. The Federation would welcome confirmation that Ofqual will regulate the qualifications within T levels. We believe this is appropriate because Ofqual has the regulatory powers, enshrined in legislation, to regulate qualifications in England. It also has an existing set of Conditions against which to regulate and the power to take action if these Conditions are breached. It also has the regulatory responsibility for A levels and if T levels are to be viewed as being a robust, high quality alternative to A levels it is important that they are regulated to equally high standards. It is vital that the regulatory arrangements for the qualifications within T levels are confirmed prior to AOs being invited to bid for the first T levels, later this year. Clarity of how regulation will operate alongside procurement and contract management is also crucial.

The interface between Ofqual as a regulator and the Institute for Apprenticeships and Technical Education (IFATE) will also need to be laid out to provide clarity and transparency and to avoid duplication or gaps in activities.

The wider qualifications offer at level 3

The 3 principles that are outlined for the identification of other level 3 qualifications that will receive continued funding would benefit from further consideration and detailed explanation. The Federation would need more detail about how the review of level 3 qualifications would be carried out before we could support these principles.

In principle 1, it is not clear how the decision will be made about whether a qualification is 'truly necessary' and we do not agree that simplification should be the driving principle in this decision-making process. Instead, where level 3 qualifications exist and they have take-up in the market which can be evidenced by AO data, these should continue to be funded. Similarly, where new qualifications have employer/provider support, they should be eligible for funding. This will help to ensure that employers have access to a range of qualifications to meet their varied needs. Regulated AOs already provide evidence of market demand and support for qualifications so it is not clear what additional requirements there would be. We would be keen to avoid a repeat of an overly bureaucratic approach, such as the Business Rules which were introduced by the Skills Funding Agency (as it was) and then withdrawn.

Further exploration of Principle 2 and how 'good quality' will be determined would be beneficial. The Federation does not believe that the application of a range of inflexible design characteristics, similar to those used for the performance tables qualifications, is a desirable way forward. Many of these characteristics do not underpin quality, can stifle innovation and also present a potential validity challenge for the resulting qualifications. We believe it would be better if the concept of validity was adopted as a core principle, as this has already been established by Ofqual and is at the heart of regulation and the qualifications developed and awarded by regulated AOs.

It is also important to note that there is valuable level 3 provision in the market that is not represented in the 15 T level routes and it will be important to ensure that level 3 provision in these important sectors of the economy continues to be funded and available for learners. For example, although there is a creative and design route there is no reference to either music or the performing arts. DCMS statistics 2015 show that there are 2.9m jobs in the creative economy and £19.8bn in creative exports in 2014. It will be vital to ensure the education provision continues to exist to support the continued growth of skills that are needed in this sector, and other vital sectors that are not included in the T level routes, in the future.

Question 2: Do you agree that we should review qualifications at level 2 and below based on the principles that these qualifications should support progression into employment or higher level study and have a value in their own right alongside T levels? Yes/No. If no, what other principles do you think we should consider?

NO

The Federation understands the need to look beyond the T levels to other levels of provision to ensure that there are no unintended consequences regarding progression to and from T levels. The system, when viewed as a whole, will need to be effective and the interrelationships between qualifications at different levels will need to result in a coherent overall system which offers clear and effective progression for learners. It is therefore logical that there would be some consideration of qualifications at level 2 and below, as well as at the higher levels.

However, a review of qualifications at level 2 has the potential to have widespread implications for employers, learners and our members and we would require further information about the rationale, aims, methodology for such a review before we could confirm our support. We would also want to be assured that AOs would be consulted and would have the opportunity to contribute throughout the review. There are a number of issues that need to be considered in relation to this proposal:

- The drive to simplify the technical education qualifications offer indicates that this review could potentially result in a significantly narrowed qualification offer that is not capable of responding to the needs of a wide range of employers and learners.
- The full range of reasons why learners undertake level 2 provision (and below) at age 16 plus needs to be considered to ensure that the opportunities continue to exist for learners to engage/re-engage in education in a way that recognises and supports their needs, grows their confidence and has the potential to set them on a pathway that helps them to avoid becoming a NEET/unemployment statistic.
- The value of level 2 qualifications in their own right needs to be recognised and we welcome the recognition of this in the question. The [Impetus Youth Jobs Index 2017](#) shows that the risk of being NEET varies depending on qualifications. Young people who fail to secure a Level 2 qualification are twice as likely to be long-term NEET.
- It is vital to recognise that in some sectors level 2 is the level that is required and leads to meaningful and rewarding employment opportunities which make a hugely important contribution to society and the economy. Not every learner will want or need to progress to level 3 or above and provision must continue to be available to support learning up to and including level 2, regardless of whether this is intended to lead to a T level or not. We should in no way forget the huge reliance we have in our society on workers with level 2 skills and these should be recognised, valued and invested in.
- Some license to practice qualifications are at level 2 and are valued and valuable qualifications that lead to employment opportunities. These qualifications should continue to be provided as standalone qualifications to support learners of all ages to gain the key qualification needed for employment in their chosen sector.

Question 3: Do you agree with the proposed approach to assessing technical qualifications?

Yes/No – Please give reasons for your response.

NO

The Federation's members are experts in assessment and we are sure they will feedback, in detail, their concerns about the approach to assessment that is outlined in the consultation document. Our key concerns are:

- There is reference to 'behaviours and attitudes' in the assessment section of the document. Inclusion of these areas in the assessment of the T level qualifications presents a significant

risk to the reliability, consistency and overall validity of the qualifications. These are challenging attributes to assess in a reliable way.

- There is reference to a similar type of assessment method being used 'where the same type of content is found in different qualifications'. The Federation can understand why the DfE would find it desirable to be able to make comparisons across different T levels. However, the principle should be that the most appropriate assessment method is used to ensure the assessment is valid. The expertise of the AO that will be developing the assessment mechanism needs to be fully respected in this matter and should outweigh any drive make the T level qualifications in different routes appear similar.
- Practical projects are an understandable ambition for qualifications that are intended to meet the needs of employers. Much greater detail and clarification of DfE's expectations in this area will be required to ensure that this is a manageable and valid aspect of the assessment process. The key risk here is the intention that the projects should be 'employer set' as it would be highly unlikely that many employers would have the expertise to set an assessment that was valid, reliable and maintained standards over time. Provider input and awarding organisation sign off of these projects will mitigate this risk but the main concern will then be the manageability of the process across multiple employers.
- The inclusion of practical assignments within qualifications that are aiming to assess competence is understandable. One challenge will be to ensure that all providers are adequately funded to resources these assignments, both in terms of facilities and equipment as well as tutor/trainer skills and expertise to judge the outputs fairly and consistently.
- Another challenge is the understanding of the term 'threshold competence', what this means in reality, how it can be assessed and managing employer expectations about the requirement for them to provide 'further support and development' to learners once they are in the workplace as well as managing the expectations of learners and parents in terms of what T level learners will actually be able to do at the end of their course of study.
- AOs have expertise in assessing competence but the concept of 'threshold competence' is not recognised in the sector. This is a fundamental issue which adds to the lack of clarity about just what T levels are intended to be and who they will be suitable for. It also raises issues in terms of the intended progression routes for T level learners – in particular, how a T level learner can progress to a level 4 apprenticeship alongside a level 3 apprentice who has been employed for at least 12 months and achieved full competence.
- The T level structure, made up of a number of component parts, seems overly complex for learners, employers and other stakeholders. The Federation would recommend that the structure is revisited to consider: whether the contents of Core 2 could be just as effectively included in other areas of the T level; and, to address concerns about the duplication of teaching and assessment in the areas of maths, English and digital skills which are currently included in Core 2, the occupational specialisms and as a distinct component in their own right.

- It is not clear how the results of Core 1 and Core 2 are to be aggregated to provide an overall grade for the core.
- It needs to be clear what has to be achieved for the learner to be certificated for the T level. At the meeting with DfE on Friday 19 January, table discussions illustrated that there is still confusion amongst both AOs and DfE staff.
- Limiting assessment of the core components to once per year may not offer the best opportunities to learners and we would recommend that a second opportunity is planned for to allow learners to re-sit assessments if they need to and to ensure that learners who miss the first opportunity due to illness (or other issues beyond their control) have an opportunity to access assessment. It would be preferable to build this in from the outset and not reach a position where DfE is directing AOs to add, at short notice, an extra assessment window (as has happened recently with Tech Levels and Applied General Qualifications).
- The Federation understands the value of external assessment and we agree that where this is the most valid way of assessing a learner, it should be applied. However, external assessment should not only be thought of as traditional exam-based approach.
- Assessing employability skills within Core 2 may not be the most valid place to assess these skills. This is likely to result in some theoretical testing of what employability skills are and how the learner would apply them to a workplace. However, that is not a valid way of assessing that a learner has these skills. That can only validly be tested when they are in the workplace and called upon to demonstrate their skills.
- Some pathways may require a learner to gain level 2 skills before they can progress to level 3. For example, a level 3 catering learner would need knife skills at level 2 before they would be able to undertake further skills development at level 3. It is not clear where these skills will be gained; whether they will be incorporated into the level 3 T level or gained through provision outside of the T level. If they are to be incorporated, the time implications of including these skills in the T level will need to be considered, as well as how learners will be recognised for this (separate) achievement - especially if they then fail to achieve the whole T level programme or the T Level qualification within it. In addition, if level 2 skills are to be included in T levels to varying degrees this may have an impact on the level of different pathways and T levels. Further thought will need to be given to the levelling of T levels.
- The assessment of literacy and numeracy skills and digital skills raises a number of issues. Firstly, there seems to be duplication of where these are assessed in the T level; in Core 2, in the specialisms and in the distinct component for English, maths and digital. Secondly, it is not clear how this will work in reality for different learners i.e. those who enter the T level having achieved level 2 already and those who have not yet achieved this level. If the T level Panels have identified a need for Level 3 skills in these areas, how will learners who have not yet achieved level 2 cope with this requirement? It is not clear whether there are plans to have any entry requirements for those wishing to undertake T levels to assess their literacy, numeracy and digital skills, their study skills and their maturity to cope with a significant work placement and whether they have the manual dexterity skills required by some technical

occupations? In the absence of any pre-entry assessment, failure rates could be high which would not be desirable for learners, or indeed any stakeholder.

Question 4: Do you agree with the approach to grading technical qualification components?

Yes/No – Please give reasons for your response.

NO

The Federation believes the approach to grading should be consistent and should not attempt to mix grading scales A*-E with pass, merit, distinction grading scales.

The Federation understands the ambition to have a consistent approach to grading across all T levels to ensure that there is a common grading system that employers and other stakeholders can become familiar with and use to inform recruitment and selection decisions. We do not disagree with the overall ambition to aim for this consistency. Over time, if T levels are allowed to bed into the fabric of the country's education system, this grading should become as well understood as A level grades.

We also understand that, given the number of component parts within the T level, it is not desirable to try to assign an overall grade for a T level. The aggregation of the different grades from the various components would be a significant undertaking.

However, we do have concerns about the grading approach that is outlined in the consultation document and the use of A*-E grades for the core components and pass, merit, distinction for the specialisms. It is possible that this mix in grading scales could add an element of confusion for employers and other stakeholders in terms of how they compare the achievements of T level learners. So, for example, would/should an employer view an application from a learner who has achieved Grade A, pass, pass, pass more favourably than they would/should view an application from a learner who has achieved Grade C, pass, merit, distinction? It is questionable whether this grading approach will provide the clarity that seems to be part of the overall vision for this reform. It would be clearer if the core was also graded on a pass, merit, distinction scale. We believe this consistent approach to grading would make it easier for employers and other stakeholders to understand the achievements of learners and compare the achievements of learners.

There is also a challenge presented by deciding the grading approach before the content of the core is developed. The use of an A*- E grading system requires that there is sufficient content to be assessed upon which to base meaningfully differentiation between the achievement of learners. Deciding the grading scale to be applied, before the content is developed, presents a risk that the grading approach will not be the most appropriate one to apply and could result in the boundaries between grades being too narrow. This would present a range of challenges in relation to fairness, learner appeals and grade changes.

Undoubtedly, a national awareness raising campaign, such as the one we have recently seen to support the introduction of the GCSE 9-1 grading, would be beneficial to support learners and other

stakeholders in understanding the grades awarded for T levels and we would welcome the commitment of the DfE to resourcing such a campaign.

Question 5: Do you agree with the approach to maintaining comparable standards of performance for technical qualifications? Yes/No – Please give reasons for your response.

NO

The Federation completely agrees that standards need to be set and maintained for all learners within a cohort and in different cohorts over time. This is an essential part of a national qualification system which is seeking to gain and maintain the respect of employers, learners, parents, teachers and other stakeholders. We do not, in any way, disagree with this ambition.

However, the consultation provides no clarity on how this will be achieved other than to make a brief reference to employers having a role in supporting standardisation of assessors and grade awarding. Far more information is required on what employers would be required to do, how this would ensure a consistent standard and how it would be part of a manageable system before we would be in a position to confirm support for this as an approach. Some AOs already involve employers in their standardisation activities and they will need to know what DfE will require in the future. Issues of employers' time and skills to be involved in such activities should also be considered.

We have assumed that comparability will be approached in relation to each T level and not across all T levels. Ofqual's recent work on the challenges of inter-subject comparability in A levels highlights the difficulties of inter-subject comparisons.

The Federation believes that Ofqual and our members are well placed to advise on how to define the standard in the first instance and approaches to evidencing that the standard has been maintained. Comparability is a complex area of awarding, often based on a range of statistical methods, comparative judgement studies, expert judgement studies, rank ordering etc. and needs careful consideration and expertise to determine what is most appropriate and effective. The DfE may find the Cambridge Assessment publication 'A Guide to comparability terminology and methods' Gill Elliott 2013 a useful document.

Question 6: Do you agree that prior attainment of the core could count if students switch to another T level within the same route? Yes/No – Please give reasons for your response.

YES

As an overall principle, the Federation supports the recognition of the prior achievement of the core in cases where the learner chooses to switch to another T level within the same route. This should be based on full attainment of the core, evidenced through successful completion of the relevant assessment.

Once the content of the core for a T level is developed there may be a need to revisit how feasible it is to provide this recognition. It will depend on how generic the content of the core is and how diverse the pathways in the T level are. There may of course be other exceptions that will need to be considered, including the time that has elapsed since the initial achievement of the core.

Question 7: Do you agree with the proposed approach integrating the work placement within the T level programme? Yes/No. please explain your answer. If no, what would be a preferable approach?

NO

Our understanding is that AOs will not be required to arrange, monitor, assess or verify work placements in any way. However, as a required component of a T level, they present a risk to the overall success of the reforms and we have, therefore, provided our views, below.

The Federation supports the aspiration for all T level learners to access a high quality, substantial work placement. The potential value that a learner can gain from such an opportunity is immense and can help to engage them, excite them about future opportunities and provide useful links with employers who may be able to offer job opportunities in the future. However, in the real world, the provision of these work placements as an *essential* component of T levels presents a significant risk to the success of T levels and raises a number of concerns:

- The overall availability of suitable placements and the willingness of employers to provide relevant placements of the required length will be a significant challenge in the proposed T level approach. This may be an even greater challenge given the focus on apprenticeships and using the employer levy which may leave little time and resource to devote to supporting work placements.
- The availability of work placements on a local level, particularly placements that are relevant to routes or specialisms that are more niche in nature. This could result in learners not being able to access an appropriate placement nearby and not being able to afford to travel to a work placement in another location. This will create a postcode lottery for learners, especially those who live in rural areas.
- The impact on the geographical provision of T levels as providers who are subject to a completion performance measure are unlikely to offer T levels in subjects where their local economy cannot support the work placement element. This will limit the choice available to learners.
- The costs associated with any travel required by a learner who needs to travel to a work placement (particularly if this is significant travel). This is a particular concern in relation to the social mobility agenda and those from less affluent backgrounds being able to access suitable work placements.
- The fact that the achievement of the overall T level may be denied to a learner through no fault of their own. If they and/or the provider cannot secure a suitable placement then the

learner's achievement of the T level is blocked and their progression into further study or work would potentially be jeopardised.

- The social mobility implications of this requirement. Placements may well be easier to find for those who have parents in professional jobs with a network of contacts whereas those with parents in more manual jobs may only be able to find a placement in that type of job, thus perpetuating the status quo.
- The resources required by providers to identify, secure and monitor work placements and the funding to support these additional resources and whether the capacity and capability fund will be sufficient to support providers to undertake the significant amount of work that will be required to find suitable placements for all T level learners and check the suitability of the placement/premises prior to placing a learner there.
- The ability of SMEs to offer work placements is of concern, particularly in sectors where most employers are micro/small.

To inform the consultation CIPD, one of our members, undertook a poll of our HR and L&D community – many of whom will be crucial in ensuring the success of the work placement element of the programme – to test the feasibility of providing a 45-60-day placement as part of the T-Level programme. Out of a total of 345 responses just over a third (35%) agreed that it would be feasible with an additional 18% of respondents saying that it would be feasible but that they would require a financial incentive to do so. However, a key concern is that almost half (48%) responded that they would not be able to provide a placement of this length although over half would be able to offer a shorter placement of either 2 or 4 weeks.

The DfE should consider allowing learners to gain a T level without a work placement where evidence can be presented to show that significant and prolonged attempts have been made to secure an appropriate placement. The T level certificate will clearly show that the placement has not been completed so it will be clear to future employers where this has been the case. This should be allowed at least in the first few years of operation of the T levels to allow providers time to build a network of employers who can be relied upon to provide work placements of the required quality and duration.

The DfE may also want to consider the risk presented to the completion performance measure in cases where employers offer jobs to work placement learners before they complete their programme of study.

Question 8: Do you agree with the proposed method of appraising the student's performance on their work placement, including the Employer Reference? Yes/No. please explain your answer. If no, what would be a preferable approach?

NO

The Federation is concerned that the need for employers to provide a reference will add additional pressure which will make the provision of work placements even less attractive to employers. The

planned provision of a standard template is helpful but may not be sufficient to significantly ease the burden on employers. Some employers currently operate a 'no reference' policy which would automatically rule them out of providing work placements. Other employers operate a 'minimum reference' policy where they confirm only factual information i.e. that someone worked there between specific dates, in a specific role. The requirement to provide a detailed appraisal of a learner's performance may rule out a number of employers who would otherwise be able to provide valuable placements.

Question 9: Do you agree with the proposed approach to quality assurance set out above?

Yes/No – please explain. If no, please explain how we can ensure work placements are quality assured?

NO

The Federation agrees that the process for the quality assurance of the placement is, on paper, an outline of an effective approach. However, we have a number of concerns about the manageability of the approach in real life situations:

- 1- The role of Ofsted is still to be clarified in terms of how it will inspect work placements within the overall T level. Without details of how this inspection regime will operate and what resources will be made available to Ofsted to carry out these inspections, it is not possible to agree with this proposal. Also, recent headlines about Ofsted struggling to resource the inspection of apprenticeship provision does raise legitimate questions about how it can be expected to take on responsibility for T levels too.
- 2- The process, as presented, appears burdensome for employers, learners and providers. Provider burden can be off-set to some extent by appropriate funding for the required resources. However, learner burden will lead to requirements not being met e.g. the completion of a weekly Log Book. Employer burden will lead to employers, especially SMEs, not being able to engage in the process. Employers have businesses to run and this is rightly their first priority. It is questionable that they will have the time to dedicate to: due diligence and health and safety checks, signing a work placement agreement, dedicating a line manager to the learner, digesting guidance from the provider, providing a health and safety induction, checking insurance and other legal obligations, regular progress reviews with the learner, a final feedback session with the learner and then a detailed Employer Reference for each learner. This overview alone indicates at least 9 actions required by an employer for each learner, some of which will require significant time and resource investment.
- 3- The information on the whistleblowing service is insufficient at present and does not indicate which body will be responsible for hosting this service, what powers they will have to intervene, how and for how long the body will be financed for etc.

- 4- It is not clear what steps the providers will be required to take in relation to safeguarding of young people/vulnerable adults and the Prevent Duty. These are significant concerns, especially in relation to young learners.

Question 10: What additional support or further modifications should be available to those with greater needs or special circumstances (such as caring responsibilities) during a work placement?

Organisations with expertise in specific areas of need will be best placed to provide details of the support/modifications that will be required by specific categories of learners. Undoubtedly there will need to be flexibility in working hours, time off for caring duties, access to pastoral support etc.

Question 11: How can we support students to access work placements relevant to their course in areas where there are no employers to offer work placements nearby?

Learners who require a work placement in an area that is not covered by local employers will face particular difficulty in accessing this component of their T level and it is important that they are not disadvantaged by this and in particular, that they are not barred from achieving the full T level by any difficulty in finding a suitable placement. Support in terms of identifying relevant placements would be useful; perhaps a centralised or regional register. The financial pressures this may place on learners is also a crucial consideration as they may not be able to bear any costs associated with travelling to a non-local placement.

There is also a need to consider developing a mechanism to coordinate work placements both within and between areas. We need to avoid employers being inundated with calls from education and training providers. An intermediary, such as a work placement brokerage, could help to minimise the burden on employers and providers by providing a single point of access and would also help overcome both real, and perceived bureaucracy, which can act as a barrier to employers offering placements in an efficient way.

Question 12: Do you agree with our suggested approach to providing students with financial support whilst on a work placement?

NO

The Federation believes that learners should be provided with financial support whilst on work placements. This is vital to ensure all learners have an equal opportunity to attend and benefit from work placements. However, the approach outlined for the financial support of learners appears to place the burden on providers to bear the costs associated with this aspect of T levels. Employers can contribute if they wish, but there is no onus on them to make any financial contribution. This is

understandable given the amount of resource they will need to commit to support work placement activity.

The Federation believes that it is likely that a significant proportion of learners will require financial support to access placements. It is therefore disappointing that the consultation documents does not explain in more detail what steps will be taken to ensure the funding is sufficient and is made available to all learners, especially those who most need it.

It is also important to note that the Sainsbury Panel was careful to highlight the need for adequate funding to support the implementation of T levels. We would therefore expect a more detailed analysis of the funding issues as part of planned implementation. Adequate funding is one of the critical factors in ensuring the success of T levels.

Question 13: What are the common barriers / challenges for employers to host work placements and how can we support employers to offer work placements?

Employers and their representative bodies will be well placed to detail the barriers and challenges they face. The Federation would anticipate that these would include matters related to:

- **Time-** related to the pre-planning required to support a placement, the support of the learner on placement and the sign off of placement activity.
- **Resources** – including the need to assign a line manager to the learner.
- **Organisational capacity and knowledge** - with regards to supporting and managing a young person in an effective way, as well as the ability to deal with behavioural issues such as time keeping.
- **Health and safety issues** – pre-placement checks and clarity of legal implications and the risks presented by placement activity.
- **Legal requirements** – some employers will not be able to provide placements to young learners because of requirements relating to specific sectors. For example, intimate care tasks in a care setting etc.
- **Pastoral care** – particularly of young learners who may have a range of complex needs and issues.
- **Overall burden** – see response to Question 9
- **Placements not central to business success** – employers have to ensure they focus on making their business a success and the provision of placements may be a distraction from this focus.
- **Inspection** – there will be some oversight by the provider and it is not clear how Ofsted will wish to include employers in its inspection regime.
- **Impact on productivity** – employees will be required to work with the learner on placement, explain how things operate, train them in skill areas etc. and this will have an impact on the productivity of staff members. Employers may not be able to bear any drop in productivity.

- **Safeguarding and Prevent duties** – any requirements on employers in relation to these areas will need to be clearly articulated and the appropriate support provided to employers.
- **Insurance requirements** – employers will need to be clear on any insurance implications of having a young learner on site.
- **Data protection**- there may well be a reluctance to allow learners to access information in work placements that is subject to data protection legislation. This may be particularly heightened as new GDPR requirements come into force.
- **Disclosure and Barring Service** – clear information on when these checks are/are not required would be useful.

Question 14: How do these challenges vary across industries and location types?

Representatives of specific industries will be well placed to provide information in response to this question. The Federation anticipates that some industry sectors will have specific health and safety concerns that make the provision of placements more challenging (e.g. construction, health and social care, nuclear etc.).

Question 15: How can the range of employers, including SMEs, be better supported to offer work placements for students with additional needs?

Employers will be well placed to respond to this question. The Federation anticipates that useful support would include:

- Government financial support of trade associations such as the Federation of Small Businesses to enable them to provide information and training on work placement requirements and how to overcome any real or perceived barriers.
- Clear guidance on the legal issues related to work placements and how employers can manage any risk that may arise in connection with these.
- Funding for providers which adequately covers the support of learner travel and subsistence so employers can reasonably expect learners to attend the placement.

Question 16: Would employers value a recognition in delivering work placements, for example through a form of 'kitemarking'?

Employers will be best placed to respond to this question. The Federation feels that any investment in kitemarking employers for this activity should be subject to a cost-benefit analysis before it is initiated. We question whether this proposal adds any value to the overall approach to T levels.

Question 17: Should students be able to opt to take a higher-level maths or English qualification e.g. core maths, A level maths, or work towards higher grades in GCSE even if T level panels do not require it? What are the issues for providers in delivering this?

The Federation believes that learners who wish to embark upon higher levels of study should be encouraged and supported in this achievement. However, any additional provision of this nature will have implications for providers in terms of timetabling, teacher resources, facilities, costs etc. which will need to be supported through the funding mechanism. Higher level achievement in these areas may be particularly important to learners who wish to progress to HE degree programmes e.g. an engineering degree requiring achievement of level 3 maths. It will be important not to disadvantage T level learners by not offering access to higher-levels in these subjects.

It may also be useful to consider whether it would be possible to extend the higher-level provision that T level learners can access. For example, a learner might find it advantageous to be able to study a language subject at a higher level if that is beneficial to their plans for future progression.

Question 18: Which of these options for funding maths and English within the T level programme do you think would be the most appropriate? Please explain the reasons for your answer.

Option 2

The Federation welcomes the inclusion of Functional Skills in English and maths in the qualifications that will be used to show that a learner has achieved the required level of achievement in these areas. The reform of the Functional Skills Qualifications is underway and the Federation has worked closely with our members to respond to both the DfE and Ofqual consultations on the proposed content and regulatory approach.

The Federation supports Option 2. We would be concerned that option 1 would result in learners having fewer hours to study the technical aspect of the T level. This seems likely to disadvantage those learners who need to achieve level 2 in maths and English as they may then struggle to keep up and achieve in the technical aspects of the programme and experience extra pressure and stress.

Question 19: Where there are additional occupation-specific requirements that can be delivered or assessed off the job, do you agree that these should be incorporated into T levels? If not, why not?

YES

The Federation believes that qualifications are a valuable asset for learners and are a currency that employers and other stakeholders recognise and deal in. We therefore believe that where employers identify a need for additional qualifications within T levels, this need should be considered and

implemented wherever possible. However, the impact on provider delivery time and any burden on learners will also need to be considered.

Question 20: Do you agree with the information we propose to include in the certificate?

Yes/No – Please explain your answer.

NO

The Federation has a number of points to raise in relation to the T level certificate:

- The certificate would need to include an individual candidate identifier for authenticity and security reasons.
- Other security features will be needed to protect the certificate from activity designed to misuse/misrepresent it and to safeguard against the development of high-quality fake certificates.
- DfE may wish to consider whether a reference to the European Qualifications Framework (EQF) will be of use to learners in a post-Brexit economy. Some awarding organisations currently reference the EQF level on their qualifications to aid learners who wish to use their qualifications in seeking opportunities beyond England.

We believe that there is no plan to allow a separate certificate to be provided for the achievement of the technical qualification. As this is a qualification in its own right, learner achievement should be recognised. Where the qualification has a unit structure, the achievement of units could also be certificated so learners who do not achieve the full qualification have a route to recognition of their partial achievement. This will motivate learners, provide a meaningful outcome for learners who do not complete the whole T level.

Question 21: Do you agree that partial attainment should be reflected in the proposed transcript? Yes/No. Please give reasons for your response.

YES

The Federation believes it is important that learners receive recognition for the components of the T level that they achieve even if they do not, for whatever reason, complete all of the required components. This will provide learners with some evidence to take to other education providers and employers who may decide that the components that have been achieved are sufficient to meet their entry/recruitment requirements.

As stated above, we do believe that where the technical qualification is achieved it should be separately certificated. This will be of particular value in cases where a learner does not complete the whole T level.

Question 22: How can T levels be designed in a way that enables students to progress onto apprenticeships?

It would be beneficial to have a further clarity of how approved technical education qualifications will be based on the same set of employer-designed standards as apprenticeships. We currently have a high number of very granular and job specific apprenticeship standards and it is not clear how these will effectively underpin T levels.

Clarity of how a T level will prepare a learner adequately to progress into a level 4 apprenticeship alongside peers who have achieved a level 3 Apprentice would be beneficial. A level 3 apprenticeship will have spent at least 12 months on the job, employed in a workplace for up to 80% of their time. They will achieve occupational competence. A T level student will be classroom based for 2 years, with a 3-month work placement and will achieve 'threshold competence'. It is not clear how learners from each of these routes can be equally expected to progress to a level 4 apprenticeship. Members have queried whether T levels are a reinvention of the college-based apprenticeships which were available and fell out of favour because of a perceived lack of employer support for the value they provided.

It is also worth noting that level 4 apprenticeships are not available in all sectors so this may not be a realistic progression goal for T level learners in some routes.

Question 23: How can T levels be built to provide a solid grounding for, and access to higher levels of technical education?

The progression from T levels to higher level technical education is vital. This can only be achieved if the components of a T level equip a learner with the skills and knowledge they require to undertake study at a higher level. This brings us back to the importance of achieving clarity about what 'threshold competence' means in reality and whether this will be sufficient to underpin progression to higher levels. It also focuses us back on whether there will be entry requirements for T levels to ensure that learners can focus on achieving the level 3 skills and knowledge that will serve them well as they progress to higher levels of technical education.

Question 24: What good practice already exists in enabling learners with technical (rather than academic) backgrounds gain access to, and succeed on, degree courses?

The bridging provision that was referred to in the Sainsbury Panel report and the Skills Plan needs to be articulated to explain how T level learners will be supported to access degree courses. It is likely that many T level students will wish progress, as is expected, into apprenticeships, higher level technical education or employment. However, routes into employment and careers do not always follow clear, linear routes. It is possible that a T level learner could decide that they want to access an academic degree. Similarly, it is possible that an academic learner could decide that they wish to

access technical education. However, it is not yet clear how learners would switch from one option to another. Clear bridging provision was a feature of the Skills Plan and this is required to ensure that learners do not have opportunities closed off to them because of a choice they have been required to make at 16, irrespective of whether they are ready to make that choice. There is no information in the consultation relating to bridging provision, how it will be delivered and what it must contain to support learners. This must be articulated clearly and developed as part of the overall system.

In relation to progression into degree courses, a key feature that aids this progression is the assignment of UCAS points to a qualification. Having UCAS points assigned to T levels (or the technical qualification) will ease the progression of learners into degree courses.

A practical step that would support this progression is the development of a UCAS Qualification Information Profile (QIP) for each T level from the outset. A QIP uses a standard format to provide details about what a qualification includes so admission staff can consider how well suited the learners who have achieved it will be to a specific degree course. DfE should begin discussions with UCAS to plan the development of a QIP for each T level. These discussions will need to clarify whether the QIP will be for the technical qualification or the full T level. Ultimately, the provision of a QIP will aid HEI admission staff in offering places to T level learners to access degree courses.

It is also worth noting that learners already progress to HE degrees with a range of technical qualifications. Some HEIs have become increasingly open to accepting a wider range of qualifications. Our members have for some time worked with HEIs to provide information on the value of technical/vocational qualification achievement to encourage more and more HEIs to recognise these in their admission processes. This is particularly important for the social mobility agenda.

Question 25: What support should we consider as part of a transition offer to ensure that students can progress to level 3 study and particularly T levels?

It is not clear who the transition offer is aimed at and little information has been provided about its purpose, outcomes, length or structure. The Federation had thought that work was underway to shape this provision and that proposals would be included as part of this consultation.

The most important thing to clarify is who the transition offer is intended for. Is this for learners who have narrowly missed their level 2 attainment to provide some additional time for them to reach this level? Is it intended to be for learners who have achieved at level 2 but cannot decide which T level they wish to take? Is it intended for learners who have disengaged from learning in school and need provision to re-engage them as well as support the achievement of level 2? Establishing a clear purpose for the transition offer is crucial.

Another issue to consider in relation to the transition offer is whether there will be any entry requirements for T levels? The basis upon which a learner will be allowed to access T levels is not clear. Will some, or all, T levels have entry requirements? If so, then the transition offer may be better focused on supporting learners to achieve the entry requirements for progression into a T level.

Question 26: How should we adapt T levels for adults so that they meet the needs of adult learners?

It is questionable whether a 2-year, full-time T level programme will be of interest to adult learners. It is also unlikely that an adult would want to join a learner group that was predominantly populated by 16-19 year olds. The programme would need to be adapted significantly for adults to provide:

- **Quicker access to specialism-** adult learners may not need to study a broad occupational area before specialising. It may be more likely that an adult has reached a point of clarity about their future career aspirations and it may, therefore, be more appropriate for them to be able to access the specialist learning for a particular pathway in a route more quickly than a 16-year old. The offer would need to be flexible enough to accommodate 'fast track specialisation' for adults. Adults may only want to access the technical qualification component of the T level as this may be sufficient to support their progression into employment.
- **Core component** - where an adult has been in work for a number of years and is using the T level to retrain in a related area, some aspects of the core may not be as beneficial to them and fast track options to assessment for the core may be useful.
- **Analysis of needs-** adult learners are unlikely to be a homogenous group. Some may have a wealth of work experience, gained over a number of years from a number of different roles. Other may have had little or no work experience, been long-term unemployed or be returning after a number of years away from the workplace. The individual analysis of their learning needs before they embark upon a T level will need to be detailed enough to identify which areas of the T level learning will be of most value to them and which areas will simply duplicate knowledge and skills that they already hold.
- **Study and exam techniques** – it may be that adult learners have not studied or undertaken assessments/exams for many years and may need additional support to cope with these aspects of a formal programme of study.
- **Part-time provision-** adult learners may need to undertake T level study on a part-time or modular basis to allow them to work at the same time. The flexibility of provision will therefore be an additional issue to consider for this segment of the market.
- **Blended provision** – using blended learning approaches to provide greater flexibility for adult learners.
- **Funding/loans provision** – adults may find their access to T levels is blocked by their financial situation. Funding and/or loans provision will need to be made to remove this barrier. It is likely that adults would need access to maintenance loans as well as fee loans.

Question 27: What do you think the biggest challenges will be for providers in delivering new T levels and what additional support do you think providers will need? Specifically, ensuring:

the right facilities are available the right equipment is available appropriately trained staff are recruited, and in the numbers required existing staff get high quality training and development

Providers and their representatives will be well placed to detail the challenges they will face in relation to the delivery of T levels. One significant issue will be ensuring staff have the skills required to support learners with the requirements of external assessment. Another issue will be that some providers will not have the equipment and facilities to offer specific routes and unless there is a capital investment fund they will be unable to change this situation. Furthermore, it is critical that all provider staff understand the purpose of T levels, why a learner would choose to take one, and what they should be able to do at the end of it.

Question 28: What information do you think will need to be provided to be able to market T levels effectively to students and parents, and how far in advance of first teaching will it be needed?

Providers and their representatives will be well-placed to detail the challenges they will face in relation to the promotion of T levels.

The Federation does believe that this promotion cannot be left entirely to providers, especially if no funds are to be allocated to providers for this purpose. Government needs to take a lead in a national promotion campaign that reaches learners, employers, parents and other key stakeholder groups. The marketing activity would need to begin well in advance to the first intake of T level learners. Learners who are currently in year 9 will be the first cohort for T levels so any promotional activity would already need to be underway. The content of the marketing needs to very clearly state who these qualifications are for, why they would choose them over other options available, and what they will be able to do at the end of it. Without this clear message, there is no hope of expecting anyone to understand the system and options available, and learners and parents are much more likely to opt for a route they are more familiar with.

Question 29: How much engagement do providers currently have with industry professionals in shaping the curriculum, teaching, and training other members of staff?

Providers and their representatives will be well placed to detail the engagement they have with industry professionals.

Question 30: What challenges will providers face if they want to bring in more industry expertise?

Providers and their representatives will be well-placed to detail the challenges they will face in accessing more industry expertise.

The Federation believes these challenges are likely to include:

- Lack of time available to industry professionals to dedicate to supporting T levels.
- Lack of any financial resource to compensate these professionals for their input at a rate that is comparable to their own industry rate.
- Lack of understanding of industry professionals of T levels generally.
- Lack of appropriate skills/expertise required to partake in some of the assessment focused activities (e.g. developing projects) without further training, development and support.
- The image of T levels, particularly in the early stages of implementation, when they have not yet established a high-quality reputation. An industry expert may find it more rewarding, prestigious and motivational to contribute to a masters' level course, MBA activities etc.
- The nature of the industry. Some sectors are predominantly made up of small businesses and their ability to dedicate time to support T levels will be even more constricted.

Question 31: Should we seek to further influence which T levels are offered by providers, according to local and national skills needs? Yes/No. If yes, how should we do this?

YES

Providers and their representatives will be well placed to comment on the areas they will choose to provide and how DfE can best influence their decisions in a positive and supportive manner.

The Federation believes it is important that learners can access a range of T levels in their local area which reflect the national, as well as local opportunities that will be available to them following achievement. Learners' opportunities should not be restricted.

However, providers may have a wide range of reasons for not offering certain types/areas of provision and the expertise and decision-making rationale of providers should be respected. One of these reasons is likely to be the lack of suitable work placements they can secure to support learners' access to full T level achievement. If a provider is to be measured on T level completion, they will rightly be concerned about high levels of non-completion caused by a shortage of work placements.

'Influence' by the DfE should take the form of identifying gaps in provision, researching why the gaps exist and working with providers to develop effective solutions to any barriers to provision that exist.

'Influence' that aims to force providers into areas of provision where they feel they will face significant issues/problems should be avoided.

Question 32: How do providers currently take account of local and national skills needs when planning their provision and how do they work with the existing structures that have responsibility for local skills planning?

Providers and their representatives will be well placed to detail how they currently take local and national skills needs into account.

Question 33: What additional support will providers need to ensure that T levels meet local skills priorities?

Providers and their representatives will be well placed to detail the support they will need to take local and national skills needs into account. Access to accurate, up to date labour market data and projections is likely to be a key feature of this support.

Question 34: What material could reasonably be included under the copyright of a technical qualification? Are there any other steps that we could take, within the parameters of the legislation, that would allow this to operate effectively and in everyone's interests?

Clearly establishing the extent of copyright that will pass to the Institute for Apprenticeships and Technical Education (IFATE) is crucial for awarding organisations. This clarity must be achieved **before AOs are invited to bid to develop the technical qualifications**. It will be a key issue in AOs decision making process in relation to whether to bid or not and its importance should not be underestimated by DfE of IFATE. AOs have recent experience of the introduction and withdrawal of a national initiative (the Qualifications and Credit Framework- QCF) which has left them to bear the risk and expense associated with resolving the copyright issues that were not thought through prior to implementation. They will, therefore, be rightly cautious about entering into any new process where copyright issues are not clear at the outset.

Agreeing copyright issues during the contracting stage is far too late and could lead to the bid winning AO withdrawing from the process at the contracting stage. To manage this risk, the copyright issue must be clear at an early stage. It must also be clear what implications this transfer of copyright will have on an AOs activity in other segments of the market and other market outside of England e.g. Wales, Northern Ireland and beyond.

Many AOs are charities or not for profit organisations. Some are privately owned or part of larger corporate entities. Regardless of the type of organisation they are, all AOs have a responsibility to protect their intellectual property and copyright. For this reason, members have indicated that the copyright that is handed to IFATE should only cover the content of the qualification and the qualification specification and should not extend to a wider range of materials such as the full syllabus the assessment items, training and support materials, assessor training content, text books, any IT platforms used for assessment purposes etc. Any attempt to cast the copyright net widely would

adversely impact on how likely an AO was to bid for a T level and how much an AO would be able to invest in innovation in a range of qualification related areas.

Question 35: How can the above mechanisms (i.e. licence length, lotting and transferability) be used to help AOs recover their investment, maintain appropriate profit margins but also keep the market competitive for future re-procurements?

The Federation has made our views on the single licence approach for T levels clear to DfE on many occasions. The Federation believes that this feature of the T level implementation is anti-competitive and will result in market monopoly situations that will not be in the best interests of learners, providers or technical education. We continue to find it extraordinary that this market model has been accepted by government, without any evidence to support the claim (only assertion) that competition in the market has led to the so-called 'race to the bottom'. We believe competition in the market exerts positive pressures on AOs to take steps to ensure their qualifications reflect the needs of employers, are up to date and innovative. Competition drives a race to the top, not the bottom.

The risks this approach brings to the market for T levels are significant and were highlighted in the Frontier Economics report, carried out for DfE, on the [Vocational Qualifications Market in England \(July 2017\)](#). Sadly, these risks have also been acutely highlighted recently by the collapse of Carillion and the resulting impact this has had on the image of government procurement, key public services and facilities and over 1400 apprentices. We do not support this approach and believe it introduces unnecessary risk and complexity to T levels, providers, and ultimately unacceptable levels of risks to learners. Furthermore, we believe the costs associated with running and taking part in such a bid process represents a significant amount of money which could be better utilised to support the success of T levels i.e. through enhanced funding for learners, to support work placements, to support provider readiness, promotion of T levels etc. The cost associated with bidding and not winning that bid may well be sufficient to bar some AOs from participating in future bidding rounds.

There is also a concern that the process of bidding in the qualification market risks decisions being made on an organisation's ability to present a strong bid document and not on their strengths in qualification design, assessment and learner support.

The Federation believes the DfE should consider an alternative approach for the market for T levels and look to the model used in the general qualifications market. The IFATE could hold the overall licence for each T level and could work with the T level panels to develop qualification specific criteria. AOs could then develop qualifications that fulfil the criteria and these could then be approved for use in the market.

There is undoubtedly a tension between the length of the licence that is assigned to a bid-winning AO and Question 36 which relates to re-procurement. The longer the licence length, the better for the winning AO. However, a long licence period makes it increasingly likely that there will be little or any competition for a re-procurement exercise. This tension is a further illustration of why the single

licence approach should not be pursued. There is no solution to this tension – an AO will require a reasonable contract length to realise a return on investment. During that time, it is highly unlikely that other AOs will be able to maintain the skills required to re-bid at a future date.

In terms of placing a restriction on the number of bids an AO could submit and/or win, we cannot see how this could operate effectively given the phased approach to implementation. An AO could not reasonably be expected to know not to bid for an early lot because it may bar them from bidding/winning a later lot which they would prefer/be better suited to. However, it must be recognised that the more contracts a single AO wins, the greater the risk associated with any future failure of that AO for any reason.

There are some features that could be included in the procurement process that could potentially make AO engagement more likely:

- 1- Payment of upfront qualification development costs remove some of the risk for AOs. If DfE can pay these costs, or a proportion of them, it will remove some of the risk of AOs bidding for a market where the size is unknown. The Federation is aware that DfE is undertaking some work to identify the costs associated with qualification development and we have offered to support this research activity.
- 2- Minimum contract values per year. The application of minimum contract values would assure the AO of a baseline return on its investment. This might encourage more AOs to bid in the early procurement rounds when the size of the market is not known. This may also make some of the more niche sectors viable in terms of AOs bidding for them.
- 3- Compensatory payment for the loss of ownership of copyright. The loss of rights will be easier to bear if the AO has been compensated for transferring these rights to the IFATE.
- 4- Any requirements relating to consortia arrangements need to be specified well in advance of the procurement opportunities. These requirements will need to clarify whether all consortia members need to be in place at the time when the bid is submitted or whether new members can be brought in once the outcome of the procurement activity is known.

Consortia arrangements may be the only way in which some of the smaller AOs can hope to engage in this process so it is crucial that they are not disadvantaged by the timeliness of the publication of consortia requirements.

The legal/contracting arrangements amongst consortia members are likely to be complex and AOs will need time to identify consortia members and agree terms of how they will work together.

The fact that many AOs are registered charities is also likely to further complicate this issue and add pressure to the timescales required for effective due diligence activities.

There is no value in providing information on consortia at the same time as the procurement process opens; this will not provide AOs with sufficient time to form meaningful and effective consortia.

There is also a need to clarify how consortia will be viewed from a regulatory perspective. Which organisation will the regulator hold accountable? Which organisations within the

consortia could be subject to regulatory action and fines? Will the regulator expect a distinct organisation to be formed to represent the consortia? These are important issues that need to be clarified prior to procurement.

- 5- It is also necessary to clarify how regulation will sit comfortably alongside procurement and contract management. If the regulator decided there were problems with the awarding of the technical qualification, how would this be managed if the DfE/IFATE were otherwise content with the fulfilment of the contract?
- 6- Bravo procurement portal improvements. Member feedback has highlighted that the Bravo portal is not user friendly and can present a barrier to submitting a bid. The Federation would welcome activity by DfE for AOs which clarifies how to use the portal so those who have not used it in the past are not disadvantaged. We would be happy to support DfE with any plans to arrange training sessions for AOs. Webinars on how the system works can also be hosted by the Federation. Any technical improvements that can be made to Bravo in advance of the procurement activity would also be welcome. We understand it does not cope well with multi-person access for one bid and this may be particularly problematic in consortia arrangements.
- 7- Information on bundles is also crucial as without that an AO cannot determine what bids it can submit on its own, which bids it needs to enter into a consortia arrangement for or, who the ideal members of a consortia will be. The detail of the bundles need to be published well in advance of the procurement round opening.
- 8- The details of the contract that the winning AO/consortia will need to sign need to be available to AOs in advance of bidding. Some contract terms may be unacceptable to AOs and they need the visibility of the terms prior to engaging in the bidding round.
- 9- The overall process will need to be accessible to AOs of all sizes. It is likely that the costs of putting a bid together will be enough to deter some AOs from taking part in this process. The process needs to be mapped to ensure it is as straightforward as possible and provides a fair opportunity to a wide range of AOs.
- 10- Information on how the bids submitted will be assessed and how the final decision will be made will need to be available for full transparency of the process.

Question 36: When contracts are re-procured what would be needed over and above the licensed copyright to submit a competitive bid? How will AOs keep their skills levels up to maintain their capability to bid in future re-procurements?

The Federation views the issue presented by these questions as a major risk in the T level proposals.

In terms of AOs keeping their skills levels up to maintain the capability to bid in the future re-procurement, the DfE needs to accept that this is highly unlikely to happen. By implementing the proposed licensing approach the DfE introduces a number of risks to the market and this is one of those very significant risks. If an AO operates in a sector for 16-19 provision at level 3 and it does not win the initial tender, the only reason it would and could maintain a capability in that sector is if it has,

or is able to generate, sufficient levels of work in the sector at other levels (level 2 and below and/or higher levels) or if it has sufficient levels of commercial/non-funded work in the sector. Where an AO has successfully built a business in areas that are not reliant on government funding it is questionable whether it would want to bear the risks associated with government procurement. It is naive to think that an AO will be able to retain capability in a sector that it is not working in for the length of the licence period (5 or 7 years or longer). In reality, capability beyond the licence holding AO will not exist to any great extent when the DfE reaches the point where it wants to re-procure the provision. The monopoly situation that will have been created will continue, irrespective of the quality of what has been provided. This is a highly undesirable position for an education system to be in and is contradictory to an ethos of improving standards, innovation and achieving a world class technical education system.

Consequently, if the DfE did want other AOs to be in a position to bid during re-procurement activity, the likelihood is that it would need to accept bids which are based on what the AO 'would do' if it won the bid and not what it is currently resourced and able to do. DfE must decide whether a bid of this nature has any chance of success against a bid from the incumbent AO which will be based on resources, systems and processes that are already in place and functioning.

A new AO, bidding on that basis would need the licensed copyright and information related to:

- Proposed arrangements for learners who are already on programme but not yet assessed.
- Any scheduled assessment opportunities.
- Number of providers and learners. It will be important to ensure the market would be big enough to deliver a return on investment for an AO but it is equally important that this information is available so AOs can ensure that the market is not projected to be too big for them to be able to scale up to manage it effectively. An AO will need to be able to determine the operational scale of services it will need to provide and be confident it can respond to the size of demand. For example, a member has provided an example of a qualification with an uptake of 2,000 learners which was serviced by 20 examiners. When that uptake increased to 13,000, 100 examiners were needed. This represents a significant increase in the resources an AO needs to recruit, train, monitor etc. The risk to be managed therefore is not only that uptake may be too low, but that it may be too high for some AOs. This makes accurate market data crucial at the bidding stage.
- Location of providers and learners (and numbers at location). This will be important for AOs to calculate the cost of operations across the full range of providers including large and small provider, urban and rural providers.
- Any scheduled updates to T level content based on changes in the sector and the work of the T level Panel.
- IFATE data requirements and any requirements for how AOs undertake their quality assurance activities.
- Details of any current appeals, complaints, disputes, legal actions etc. and the basis for these.

- The timeframes that the AO will need to work to in relation to issuing results. This will be particularly important where the progression route for learner operates on strict deadlines e.g. applications for entry to HE degrees.
- Previous achievement rates and destination data.
- Expectations in relation to the AOs role with providers. Currently, an AO would work through an approval process with a provider before they were approved to offer the AOs qualifications. The AO would then undertake ongoing quality assurance activities. However, the DfE has opened up an opportunity for pilot providers with no AO involvement so it is not clear what the approval of providers to offer T levels will look like and what the AO role will be in this.

Question 37: Are there other variables (in addition to those listed in the text above) that could influence the return on investment for AOs? How might these factors influence interest from the AO sector for initial and further competitions?

Other factors that would need to be made known to AOs who might take part in the procurement opportunities include:

- Any Transfer of Undertakings (Protection of Employment) Regulations (TUPE) implications relating to staff currently employed on the contract by the 'outgoing' contract holder.
- Any control/limits placed on charges they will be able to make in the market for the technical qualification.
- Current and projected size of the market and the evidence to underpin projections. This is crucial for return on investment but also so the AO can be sure it can access sufficient resources to effectively deal with the size of the market.
- The regulatory framework and any anticipated changes in the regulatory requirements and approach to the technical qualification.
- Any additional regulatory criteria that apply to T level technical qualifications. GCSEs and A levels have specific conditions that must be complied with and an AO must be aware of these in advance of bidding activity.

Question 38: Which of the proposed performance measure are most important? Please explain. Are there any other measures, such as student and employer feedback that should be part of the accountability system for T levels? Yes/No. Please explain.

There are a number of issues related to the performance measures that should be considered:

- 1- The completion measure is important but the work placement requirement presents a tension that may well drive provider behaviour and results in patchy provision across the country. If a

provider cannot be sure there are work placements to support a particular T level they may not offer it because they know it will impact on their completion measure.

- 2- The progress measure will be important to recognise not just completion but how far the learner has progressed. This will be particularly important to providers who work with the most disadvantaged learners where overall completion may not be as high as other providers but the progress measure shows how far they have taken a learner who has started off from a much more challenging position.
- 3- The destination measure is key but can lead to unintended consequences such as learners being directed into short term jobs for the period required for the measure. However, this is important information to be able to measure how far T levels are meeting the needs of employers and supporting progression into work. The line of sight from T levels to employment is not as clear as it is for apprenticeships and it will be important to measure how successful they are in getting learners into meaningful employment.

Question 39: Do you have any comments about how we might approach the funding of T levels? How could the funding formula be adapted to distribute funding for T levels?

The T level funding should ensure:

- Funding for 18 year olds is at the same level as the funding for 16-17 year olds. The current reduction in funding for 18 year olds should be addressed. This will be particularly important for those learners who need to spend time in the transition phase and who may take 3 years to complete a T level.
- Funding should be available to support re-takes of the technical qualification component of the overall T level. If it is not, this is likely to leave some learners in a difficult position and is not in keeping with the objective of improving social mobility. This in effect means that a learner who can afford to pay for a re-take can access this opportunity but a learner who cannot afford this is denied the same opportunity. This does not support the government's commitment to social mobility and should be revisited as a matter of urgency.
- Funding will need to recognise the high costs associated with finding and supporting work placements.
- Weighting funding for T levels that are more costly to deliver, may also be necessary.
- Funding will need to support those learners who transfer within a route or across routes and therefore spend more than 2 years on programme.

Question 40: How might we adapt funding flows to AOs to make sure that the full range of T levels is available to students around the country?

There may need to be funding incentives for providers in some areas of the country to offer T levels in an area where a gap in provision has been identified. Additional funding to support resourcing the delivery and the work placement component may help to address any gaps.

Question 41: How could any adverse impact be reduced and are there any ways we could better advance equality of opportunity or foster good relations between people who share a protected characteristic and those who do not? Please provide evidence to support your response.

Access to high-quality careers advice and guidance will be crucial to ensure that a traditional gender divide does not manifest itself in T levels. Learners will need to be made aware, from an early age, of the opportunities T levels provide, the fact that they are available to a wide range of learners and how they can lead to access to a range of roles in a range of industry sectors. It is important that learners understand the full T level offer and are encouraged and supported to access all T levels; not just a range that is narrowed by gender stereotypes.