
Federation of Awarding Bodies –response to the Ofqual consultation, Regulating Technical Qualifications, July 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 vocational/technical sectors and provide high quality qualifications to support learners to qualify and progress in their chosen sector. Members of the Federation are considering whether to respond to the Department for Education's Invitation to Tender (due to be launched in September 2020) for the development of the Technical Qualifications that will sit within the first three T levels. Other members are considering whether to participate in future tendering rounds. The Ofqual regulation of the Technical Qualifications is an important component of this broader policy area. The Federation therefore has an interest in this consultation and we welcome the opportunity to respond.

Whilst we recognise that Ofqual is constrained by the overall T level implementation timescale, we do feel it is necessary to formally note in our response our concern that such important regulations have been provided with a 4-week consultation window. The Federation does not believe this timeframe is sufficient to underpin an effective consultation and we are concerned that it does not allow sufficient time for full and detailed feedback to be provided by our members. We welcome the additional steps Ofqual has taken to support the consultation; the three events in July and the August webinar, but we nevertheless have significant concerns about the truncated consultation period.

This evidence submission is provided on behalf of the Federation's membership following consultation with them and with the Federation's Board of Directors. However, 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.

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If there is any part of your response that you wish to remain confidential, please indicate below:

Yes, I wish part of my response to be confidential

No, my response is not confidential

Consultation questions

Q1: Do you have any comments on the way that the purpose for Technical Qualifications (in paragraph 3.7) which we propose to set out in our Qualification Level Conditions document is described?

The Federation agrees it is important to have a clear purpose for the Technical Qualifications (TQs) and it will be useful to have this clearly articulated as a point of reference as the TQs develop and evolve over time.

We note that the purposes contained in the consultation document does not include any reference to progression and the role the technical qualification is intended to have in supporting the learner to progress to employment and/or further learning. We believe this should be included in the final purpose statement.

The Federation has previously expressed its concerns about the term 'threshold competence', what this means in reality and how well understood it will be by employers, learners and other stakeholders. If the term is to be used by Ofqual then it will need to be clearly defined in relation to the grades that are available in the different components of the Technical Qualification. We understand that there is an overall definition of what threshold competence means but it is not clear that if threshold competence is required to achieve a pass, then what will a merit and a distinction grade signify along to spectrum from threshold competence to full competence? Are the higher grades intended to indicate that the learner has reached full competence? The grade descriptors will need to clearly articulate what an employer should reasonably expect of a learner who has achieved a pass, merit or distinction in relation to their level of occupational competence. The document states that the minimum pass grade 'should be as close to full occupational competence as possible'. In cases where the pass grade is very close to full occupational competence, it is not clear what the higher grades indicate and whether there will be sufficient margin to meaningfully distinguish between each of the higher grades.

Q2: To what extent do you agree or disagree with our proposal to set a requirement that Technical Qualifications are assessed through a Core and Occupational Specialism(s)?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation recognises that this is the structure outlined in the Department's vision for T levels. As an approach, it provides a clear structure for learners to gain knowledge of underpinning concepts, principles and theories in the Core which they can then apply in their Specialism(s) as they gather the skills and knowledge required by the specialist occupational area(s).

Q3: To what extent do you agree or disagree with our proposal to set a requirement that core knowledge and understanding and core skills are assessed separately?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation believes that a requirement to separately assess core knowledge and understanding and core skills will not result in the most valid approach to the assessment of learners. We believe that a more holistic and integrated approach to assessment may be beneficial in that it would allow learners to demonstrate not only that they have the core skills but that they have the knowledge/understanding that supports the relevant skill and they know which parts of their knowledge support specific skills. Artificially separating the assessment of these two aspects may well result in a lack of cohesion between what a learner can do and what they know and understand. We believe that employers will be looking for learners who can 'do' but who also understand what they are doing and why they are doing it. We also believe that this approach risks a 'disconnect' for the learner in terms of practically applying the knowledge they have gained when they are in real work situations.

It is also not clear why this separation is seen to be suitable in relation to the assessment of the core when paragraph 3.23 promotes the integrated approach to assessment in relation to the occupational specialisms.

Q4: To what extent do you agree or disagree with our proposal to provide guidance on the relative weightings of core knowledge and understanding and core skills within the Core?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

If the separate assessment of core knowledge and understanding and core skills is implemented then the Federation agrees that a range for weightings would be the most appropriate way forward. This will provide AOs with the flexibility to ensure that, within the specified range, the final weightings are appropriate for the content of the specific qualification.

Q5: Do you believe that 25-40% is an appropriate weighting for the assessment of core skills within the Core? If not, what do you believe the range should be and why?

- Yes
- No
- Not sure

Please provide any comments:

The Federation welcomes the flexibility that a weighting range will offer an AO in the design process, but we do not feel it is possible to identify a specific weighting range without first having the full and final content for the qualification. We would not want any AO to feel that the overall validity of its assessments was at risk because they needed to make their core skills assessment 'fit' the pre-determined weighting.

Q6: To what extent do you agree or disagree with our proposal to set a requirement for awarding organisations to specify combinations of Occupational Specialisms that may, or may not, be taken in combination?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation believes that, in the best interests of learners, it will be important for AOs to specify the combinations of Occupational Specialisms that may, or may not, be taken in combination. It is crucial that all reasonable steps are taken to support learners in making appropriate choices that will maximise the opportunities they have available to them following the completion of their T level.

Q7: To what extent do you agree or disagree with our proposal to set a requirement for Occupational Specialisms to be assessed separately to one another?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation agrees that the Occupational Specialisms are likely to be sufficiently different to one another to require separate assessment. This approach will also allow learners to demonstrate their abilities in each specific occupational area and have their abilities in that area recognised at the appropriate grade level.

Q8: To what extent do you agree or disagree with our proposal to put in place guidance that where possible, performance outcomes within a particular Occupational Specialism should be assessed together?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

Awarding Organisation (AOs) would seek to ensure their assessments are not unnecessarily burdensome for learners and where it is possible to assess performance outcomes together, this would be preferable to separate assessment. An overly granular approach to assessment will increase the assessment burden on learners.

Q9: To what extent do you agree or disagree with our proposal to set requirements and guidance on the titling of Technical Qualifications and Occupational Specialisms?

- Strongly agree
- Agree

- Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

The Federation agrees that a consistent approach to titling across the TQs will be beneficial and will aid learners, providers and other stakeholders in their understanding of these TQs. However, we believe the current requirements in Condition E2 should be applied to TQs, including the requirement for the AO's name to be included in the title of the qualification.

We also want to note here that the recently issued draft ITT documents from DfE include the following requirement:

*12.14 "the Supplier shall not, within or outside of England, develop, Operate or have any involvement whatsoever with any course or qualification **which could be confused with, or is confusingly similar** in any material aspect to, the TQ (or any other T Level technical education qualification), or which is offered or promoted as, or in substitution for, any TQ"*

There are a number of established qualifications with similar titles to 'Technical Qualification' (e.g. Technical Certificate, Technical Award, Technical Level). It is not clear how this will impact on the wider portfolio of qualifications that awarded by the bid-winning AO and clarification of this point would be useful in the short term.

At this stage, the Federation does not understand this to mean that there is an expectation that, at a national level, other qualification titles will be required to change. We would welcome confirmation from Ofqual that this is the case and there are no plans for the regulator to seek to change the titles of existing qualifications that are similar to the 'Technical Qualification' title.

Q10: To what extent do you agree or disagree with our proposal to set requirements or guidance on the number of assessments for Technical Qualifications?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

The Federation agrees that specifying a set number of assessments for T levels would not be appropriate and we believe Ofqual's proposal to require the smallest number possible to promote integrated assessment is the best way forward.

AOs will always endeavour to avoid over-burdening learners with assessments. The approach outlined will allow an AO to use its assessment expertise to plan and develop the most valid approach to assessment for the TQ. The AO will be able to explain its rationale for the number of assessments in its assessment strategy. We believe this approach provides the flexibility required to allow AOs to develop a manageable approach to assessment with a supporting rationale to evidence the reasons for the approach to the regulator. Manageability is an important aspect of overall assessment validity and is, therefore, always an important part of AOs considerations during the development cycle.

Q11: To what extent do you agree or disagree with our proposal to set a requirement that the whole of the Core should be assessed together and the whole of each Occupational Specialism should be assessed together?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation would welcome the opportunity for AOs to be able to use their assessment expertise and knowledge of the specific sector to determine the most appropriate assessment model for the TQ they are designing. The rationale to support the proposed assessment model would be provided in their assessment strategy.

We are concerned that the linear approach to assessment may not be the most suitable approach for many learners and AOs should be provided with the opportunity to design assessment that is valid but also meets the needs of learners and employers in the sector. Some learners will find it more accessible to have assessment opportunities provided throughout the year and we believe AOs should be free to consider a range of approaches to assessment to ensure that learners are not disadvantaged. For example, it may be more appropriate for the project to be assessed separately to the Core Knowledge and in the second year. This will allow learners to apply their experience, knowledge and skills gained during their industry placement to the project.

It will be important to the overall success of T levels that learners who have the skills and knowledge required are able to achieve the TQ and we would not want the assessment approach

to act as a barrier to learner achievement. For example, there may be benefits to providing three smaller assessments throughout the year. This would ease the burden on learners, help to track learner progress throughout the year (so additional support can be provided if a learner is not performing well in the early assessments), provide learners with earlier confirmation of their achievements and motivate them to continue and demonstrate to Ofsted the distance travelled by learners.

Q12: To what extent do you agree or disagree with our proposal to set a requirement that that all assessments for Technical Qualifications should take place in May/June?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

The Federation does not support this proposal for the following reasons:

- As we have stated above, we do not believe that linear assessment will be appropriate for learners in all TQs and there should be the opportunity for the AO to consider the most appropriate assessment model, as part of the development phase of the TQ. This should include the flexibility to approach assessment in smaller 'chunks' throughout the year.
- This approach is not appropriate for the more vocational-style assessment that will be required for the occupational specialisms. With vocational assessment, providers and employers are accustomed to 'when ready' approach to assessment and the candidate being able to retake the assessment if they do not pass the first time. The restricted availability of assessment for occupational specialisms will make this an extremely high stakes assessment as learners who fail it will also fail the whole T level Programme.
- Alongside the Technical Qualification, candidates will need to complete a 45-day industry placement, any additional occupation-specific requirements and may also be studying for Maths and English GCSE / Functional Skills and / or an A level. DfE has acknowledged the need for flexibility in terms of how and when the industry placement will take place and we believe that more flexibility needs to be considered in relation to the assessment of the technical qualification to relieve the logistical demand this will place on providers and the load this will place on candidates.
- May/June time is already a busy and resource intensive time for providers and we are concerned that on a very practical level, there is not the capacity in the system to support additional assessment in May/June time. Exam halls, invigilators, examination staff in schools/colleges will already be under immense pressure at that time. If T levels are intended to scale up then this represents a significant capacity risk for the whole exam system.

- This approach would require co-ordination with the GCSE and A level timetabling to ensure the systems that support examination delivery in providers premises were not over-burdened on specific dates.
- The pressure of a May/June all or nothing assessment opportunity may increase the pressure to 'teach to the test' to ensure learners pass the once a year assessment opportunity.
- It may be more effective to allow assessment of the project to be scheduled more flexibly. This will need to take place over a period of time and after the industry placement has taken place to enable learners to apply the experience gained in the placement. The requirements of the project could be released earlier in the year and centres given flexibility around when learners complete this within a specified window.

Q13: To what extent do you agree or disagree with our proposal to set a requirement that where a student is proposing to retake, they must retake the whole of core knowledge and understanding, and/or the whole of core skills, and/or the whole of an Occupational Specialism within the Technical Qualification?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

The Federation agrees that the maintenance of standards is important and is a crucial consideration for the TQs once the final assessment approach is decided. If there is a linear, terminal approach applied with compensation across different parts of the assessment then a requirement to retake the whole assessment is likely to be required.

Q14: To what extent do you agree or disagree with our proposal not to allow an additional assessment series for retakes?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

The Federation believes that a learner should have the opportunity to retake an assessment without having to wait a year to do so, particularly where the learner has narrowly missed achieving

a pass or has experienced illness or other temporary circumstances which have impacted on their performance (beyond the extent that can be mitigated for by special consideration).

There are practical issues that make waiting a year for a retake opportunity unappealing:

- 1- **Learning time** -if a learner fails an assessment at the end of year 1 they may well need to undertake further learning to support the development of their skills and knowledge. It is not clear whether the curriculum time would be available for them to access this alongside their Year 2 learning. It is also important to consider whether it would be overly burdensome on a learner to undertake this volume of learning, how it might impact on the time the learner needs outside of their studying for wider responsibilities (e.g. part time working etc).
- 2- **Fairness to learners** - a learner would need to retake Year 1 assessments alongside Year 2 assessments. This would place a significant burden on learners who should be free to concentrate on their Year 2 assessments.
- 3- **Funding and completion rates**- if a learner fails Year 2 assessments, it is not clear whether the funding system would support them for Year 3. If it will not, then the completion rates are likely to be impacted. The funding approach for TQs is not yet known and will be a crucial part of the overall system. Also, it is questionable whether learners would choose, or be able, to invest a third year into a T level and they may then decide, or have no choice other than, to vote with their feet.
- 4- **Unintended consequences** – making assessment available only once per year may encourage providers to enter learners for assessments at the end of year 1, even if they may be better suited to wait for the assessment opportunity at the end of year 2. This will give the learner a second opportunity which may not be feasible if they fail at the end of year 2. This would not be the best option for learners who may feel over-burdened by assessment.

A retake opportunity part way through the year would be favourable and we would welcome further exploration of paragraph 3.44 in the consultation document to determine where this would most usefully be made available.

It also needs to be clarified whether a retake will require the learner to undertake a completely new assessment or re-submit a re-worked piece of work e.g. a project.

Q15: To what extent do you agree or disagree with our proposal to set a requirement that awarding organisations should provide schools, colleges and students with sufficiently detailed information about student performance on which to base a decision about whether to retake a part of the Technical Qualification?

Strongly agree

Agree

Neither agree nor disagree

- Disagree
- Strongly disagree

Please provide any comments:

The Federation agrees that learners and providers should be provided with information that effectively supports the retake decision making process. We would welcome further work with the regulator to develop a shared understanding of what information could reasonably be provided and what 'sufficiently detailed feedback' would look like in reality.

Q16: To what extent do you agree or disagree with our proposal to put in place a requirement that where an awarding organisation ceases to make a Technical Qualification available, it must ensure that arrangements are in place to allow students to retake their assessments?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

In principle the Federation agrees that learners should be protected and should be provided with the opportunity to retake their assessment for a reasonable length of time. However, we feel this requirement is already covered by General Conditions and as such an additional regulation is not necessary.

It will be important that the regulator, the AO and the IfA have a shared understanding of what will be viewed as being reasonable in these situations. The contract between DfE/IfA and the AO will need to make provision for the continued services of the AO in these circumstances. This requirement cannot be open-ended and would need to make clear the number of retake opportunities the AO must make available and we suggest that this should be no longer than a two year period.

Q17: To what extent do you agree or disagree with our proposal to put in place a requirement for an awarding organisation to recognise prior learning in Technical Qualifications, where this is possible?

- Strongly agree
- Agree
- Neither agree nor disagree

- Disagree
- Strongly disagree

Please provide any comments:

Awarding Organisations have a strong track record in recognising prior achievement by learners and where this is possible in TQs, it should be encouraged.

Q18: To what extent do you agree or disagree with our proposal to set a requirement for the Core (core knowledge and understanding and core skills) to be reported as a single grade on a scale of A*-E?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

As stated in our response to the DfE consultation on the Implementation of T levels which closed in February 2018, 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.

The use of A*-E grades for the core components and pass, merit, distinction for the specialisms could add an element of confusion for employers and other stakeholders in terms of how they compare the achievements of T level learners. 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.

We also believe 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, there seems to have been a rethink of this position since the DfE's consultation as we understand from the Government's response of May 2018 that an overall grade is now being considered.

However, the Federation's position remains unchanged; the grading scale should be developed as part of the overall qualification development cycle and should not be pre-determined and applied to a qualification, irrespective of how well suited it is to the specific content and outcomes of a qualification.

Q19: To what extent do you agree or disagree with our proposal to set a requirement for Occupational Specialisms to be reported against a grading scale of Pass, Merit and Distinction?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

In addition to the comments provided in response to Question 18, above, the Federation continues to have concerns about the requirement to grade 'threshold competence'. If a 'pass' grade is intended to indicate that a learner has met the required threshold, what then do a 'merit' and a 'distinction' indicate? This will need to be clear if AOs are to be required to develop grade descriptors.

Q20: To what extent do you agree or disagree with our proposal that we should set a requirement for Occupational Specialisms to have a 'Working Towards' grade below Pass?

- Strongly agree
- Agree
- Neither agree nor disagree

Disagree

Strongly disagree

Please provide any comments:

The Federation understands the need to recognise learner achievement but there are a number of issues related to this proposal that would benefit from further clarification:

- 1- It is not clear that learners and employers would value confirmation of this status and how making it available would add any value to the T level offer. It would be useful to see the results of any research that has been conducted with learners and employers which shows support for the introduction of this additional grade. We understand that during at least one of the Ofqual consultation events there was some support for this additional grade to be available because it was felt that it would be useful in a specific sector. We fully accept that there may be other sectors in the same position and it would be useful have further information on the rationale for the proposal and the value it would add for learners and employers. An evidence based decision to introduce this additional grade would be much more understandable.
- 2- It is not clear that employers and learners would understand this grade and what it means and it may well just add further confusion which will not be helpful in establishing T levels in the education landscape. Learners who narrowly fail to pass an A level are not awarded a 'consolation grade' and it is not clear why this is proposed for use in the technical equivalent.
- 3- The term 'working towards' may well be misleading. It may represent the status of some learners who decide to retake assessment in a future window but it is not necessarily the case that all learners will take this option; how then would they be 'working towards'? In addition, if that grade was given to a learner and printed on their T level transcript, it does not really stand the test of time i.e. ten years later they have a grade that says they are 'working towards' an occupational specialism. Also, learner who do not pass (but don't fall into the 'just missed' category) and choose to retake their assessment will be working towards. We would then have a situation where some learners who are classified as 'working towards' are not actually doing so (because they choose to leave at that point) and some of those who are really 'working towards' are not categorised as such because they didn't 'just miss' a pass. This categorisation therefore seems to potentially introduce a number of issues and a great potential for confusion, without offering any significant value.
- 4- It is not clear what 'just' missed out on passing means in reality. Would that be a defined percentage below the pass grade boundary for all occupational specialisms or would it vary from specialism to specialism? Would learners who just miss out on a 'working towards' grade feel they should be awarded a similar grade that recognised their progress towards a pass?

Where the application of this status may be useful, is not as an additional grade but as a way to indicate in results where a learner may be well placed to consider a retake because they were so close to passing. This would be useful information for the learner and those who are supporting the learner to make a decision about retaking.

Q21: To what extent do you agree or disagree that we should put in place guidance for Occupational Specialisms regarding how assessment design must take into account this grading model?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation's views on the grading model have been articulated in our responses to Q18-20 and we are clear that we do not support the proposed grading model. However, if it goes ahead as proposed then it will be important that there is guidance provided to AOs to support them in the application of the grading model. This should cover the issues we have identified in our responses to Q18-20.

Q22: To what extent do you agree or disagree with our proposal to provide guidance on Condition H6 in respect of Technical Qualifications?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation agrees that it will be important to have clearly articulated expectations in relation to issuing results for TQs. AOs are experienced in issuing results and complying with the current requirements within the General Conditions. However, TQ requirements will vary because of the need to provide data to the Institute for Apprenticeships for the production of the final T level certificate or transcript. Guidance will therefore be useful to ensure the timings and expectation of each party are clearly defined.

Q23: To what extent do you agree or disagree with our proposal to disapply Conditions I3 and I4 in respect of Technical Qualifications taken as part of a T Level?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation understands that the proposal to disapply Conditions I3 and I4 has been presented as a pragmatic response to broader T level policy which aims to prevent separate certification of the TQ within a T level. However, the Federation strongly disagrees with this area of the policy and consequently has a number of concerns in relation to this proposal:

- 1- The technical qualification (TQ) within a T level programme is intended to be a valid, high value and valued qualification. It is a valuable component of a wider programme of learning, but it is also a qualification in its own right and it should be recognised as such. This recognition should culminate in the issuing of a certificate, as it does with other regulated qualifications. Certification of the technical qualification will make it clear, to a range of stakeholders, that the learner has gained significant skills and knowledge in their chosen sector area. Certification of the whole T level is different and indicates the achievement of a broader set of requirements. Both certificates should have value and both should open up progression routes for learners.
- 2- Qualification certificates are a currency that are used and valued by learners and employers. They are an effective way for learners to evidence their skills and knowledge when they are seeking employment. Therefore, access to a certificate for the TQ will add significant value for learners, especially if they are not able to complete a full T level programme (which may be the case for a wide range of legitimate reasons e.g. disability, carer responsibilities, family responsibilities, illness or financial responsibilities etc). Learners will need to work hard and apply themselves for a significant amount of time to achieve a TQ. The Federation cannot identify any valid reason why the government would want to deny young people in England the opportunity to gain recognition of their achievement of the TQ. It is not clear why learners who take the Technical Qualifications should be treated differently to learners who achieve any other regulated qualifications. We are concerned that this policy is not in the best interests of learners in England. The Federation believes learners should be able to access certification of their achievement of a TQ. This is a positive and valuable opportunity to recognise a significant achievement by learners.
- 3- The Federation feels that Ofqual, as the independent regulator for qualifications in England, should protect learners in this policy landscape and their right to obtain recognition of their achievement. We believe that not certifying this category of qualifications makes no logical sense, disadvantages learners and will be difficult/impossible to plausibly justify to learners and their parents. As such, it presents a threat to the public confidence in these qualifications and T levels more widely.

- 4- It is unfair to learners in England that, potentially, a learner in another part of the UK or the world could undertake the same qualification and have their achievement recognised by a certificate which could hold the logo of Ofqual (the qualification regulator for England), when they would be denied access to this valuable recognition of their skills and knowledge. We feel this proposal discriminates against learners in England. To be clear, this should not be a reason to block AOs from offering the TQs beyond England. The export market for qualifications is an important one for UK plc.
- 5- The Federation does not believe this arrangement will contribute to establishing T levels as a credible option for learners. We will have a situation where a qualification is based on content identified by employers in England to meet their workforce/skills requirements, is accredited and regulated by the independent qualifications regulator for England and yet learners in England will not be able to access certification for their achievement.
- 6- The Key Commercial Principles, issued by the Department in June 2018, indicated that there would be no access to the TQ as a standalone qualification for learners in Wales, Northern Ireland and Scotland. As education is a devolved matter, and each of the other countries in the UK has its own independent qualifications regulator, this stance raises issues related to the powers of the devolved nations which may well require further consideration.
- 7- The T level programme is intended to be 'equivalent' to 3 A levels and there will be an overall certificate issued to learners if all parts of the programme are successfully completed. If the learner does not complete all aspects of the T level programme, there are plans for a transcript to be issued. However, A level learners are not denied access to certificates to recognise some of their achievements in cases where they do not achieve all of their A levels. They are rightly certificated for each A level as a standalone achievement. The proposed approach therefore appears to discriminate against T levels learners and treat them less favourably than A level learners.
- 8- Without access to a certificate for the TQ in its own right, the only confirmation learners will receive of their qualification achievement will be from the Institute of Apprenticeships. This is not a regulator. Learners will be denied access to a certificate which proves they have achieved a regulated qualification and the assurances and confidences this provides to user of qualifications (i.e. employers).
- 9- The absence of a certificate to recognise achievement calls into question whether the TQs are qualifications or just components of a broader programme of study.

Q24: To what extent do you agree or disagree that we should require Technical Qualifications to be accredited?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

AOs have a wealth of experience in designing technical and vocational qualifications and the qualification and assessment expertise that resides in the awarding sector places AOs in a strong position to lead on the design of the new TQs. The Federation is confident that our members will meet the challenge and develop high quality, valid TQs that meet the needs of learners and employers.

However, we also recognise that TQs will be new qualifications that AOs are designing for the first time in a short time period with many areas of policy that are still evolving. There is likely to be a high level of media and government scrutiny in the first few years. In these circumstances we believe that an accreditation process has some potential to add value and that Ofqual, working with AOs in this process, can help to ensure that the qualifications are the robust, high quality offer that learners deserve. We would, however, want to see a process that was as light touch as possible. Many AOs currently operate effectively without an accreditation requirement so we would not want this additional process to become a bureaucratic burden upon them.

In introducing the accreditation process, the Federation believes that the process and requirements need to be communicated to AOs in a clear and timely fashion so it is evident from the outset what will be required. It will be important to try to avoid any misunderstandings that result in the need for repeated re-submissions of the qualifications. The Federation is happy to support Ofqual in its communication of the accreditation requirements to AOs.

Ofqual will also need to distinguish between those aspects where the AO is the decision maker and therefore accountable in regulation and those aspects where IfA / other agencies are the decision maker. AOs cannot be accountable for decisions that are taken by the contracting agency as part of contractual arrangements or as policy decisions.

It will also be important to ensure that when an AO submits a qualification for accreditation and this is not successful in the first instance that the resubmission is not assessed by a completely different expert who then flags other, new issues. We would welcome assurance that

resubmissions will only be reviewed in terms of the issues that were flagged in the initial feedback and will not be subject to a full review at resubmission stage.

We understand that in addition to the Ofqual accreditation process there will also be an IfA approval process and this raises the potential for overlap, conflict of decisions and feedback and time delays for the AO. We know that Ofqual and the IfA have regular dialogue and we would hope that all possible steps will be taken by both agencies to harmonise their processes so they work together effectively and do not give rise to conflict and delay in an already challenging timescale.

The Federation also recognises that the timescale for developing a TQ, having it accredited by Ofqual and approved by the IfA is challenging. We therefore feel it is important that Ofqual is clear about how long the accreditation process will take so AOs can build this into their overall development plans. Similarly, IfA will need to specify how long its approval/sign off process will take so AOs can take this into account too.

Q25- To what extent do you agree or disagree that we should require Technical Qualifications to meet our existing accreditation criterion?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

The Federation agrees that the criterion is relevant.

Q26: To what extent do you agree or disagree with our proposal to require awarding organisations to put in place and comply with an assessment strategy covering the areas described?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation believes that the proposal to require an assessment strategy is appropriate. There are many detailed rules and requirements in relation to the assessment of the TQs and we believe the development of an assessment strategy will help to provide an AO with an assurance that the

assessment arrangements that have planned are appropriate. It will also provide Ofqual with an opportunity to identify any misinterpretation of the requirements.

However, it is crucial that the requirements of the regulator are clearly articulated so AOs can be sure the assessment strategy they submit clearly meets all the requirements.

It will also be important to ensure that when an AO submits an assessment strategy and this is not successful in the first instance that the resubmitted document is not assessed by a completely different expert who then flags other, new issues. We would welcome assurance that resubmitted strategies will only be reviewed in terms of the issues that were flagged in the initial feedback and will not be subject to a full review at this stage.

Q27: To what extent do you agree or disagree that we should require awarding organisations to explain through their assessment strategy, their approach to covering the outline content?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

As part of the development process an AO will have fully considered how the assessments it intends to develop and deliver cover the required content. This is part of ensuring the overall approach to assessment is valid, covers all that it needs to cover and does not stray beyond the construct that needs to be assessed or introduce construct irrelevant variance to the assessment, which undermines overall validity. It is, therefore, reasonable to expect that an AO could provide information to Ofqual on its approach to covering the outline content. However, as we have stated above, Ofqual will need to ensure that its requirements are communicated to AOs in a clear and timely fashion so it is evident from the outset what is required and any potential for misunderstanding that lead to the need for repeated re-submissions can be avoided.

Q28: To what extent do you agree or disagree with our proposed approach to put in place guidance on the development of assessment objectives for core skills?

- Strongly agree
- Agree
- Neither agree nor disagree

- Disagree
- Strongly disagree

Please provide any comments:

The Federation agrees that guidance on the development of assessment objectives for core skills will be useful, will help AOs to clearly understand Ofqual's requirements and will aid consistency of approach across TQs and AOs.

Q29: To what extent do you agree or disagree with our proposed approach to setting assessment objective requirements for core knowledge and understanding?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation has no further comment on this proposal.

Q30: To what extent do you agree or disagree that we should set a requirement for core knowledge and understanding to be assessed through Assessment by Examination?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

If the assessment of core knowledge and understanding is to be separate from the assessment of core skills then an examination may well be an appropriate method of assessment which can cover a broad range of knowledge and be accessed by all learners at the same time.

Q31: To what extent do you agree or disagree that we should require awarding organisations to set assessments for core skills?

- Strongly agree
- Agree
- Neither agree nor disagree

- Disagree
- Strongly disagree

Please provide any comments:

The TQs will be level 3 qualifications that are delivered by providers across England. In terms of the reliability, comparability and overall validity of the assessments the Federation believes that requiring assessments to be set by the AOs is the right approach.

Q32: To what extent do you agree or disagree that we should require awarding organisations to set assessments for Occupational Specialisms?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The TQs will be level 3 qualifications that are delivered by providers across England. In terms of the reliability, comparability and overall validity of the assessments the Federation believes that requiring assessments to be set by the AOs is the right approach. However, with occupational specialisms there should be some flexibility for provider staff tailor these assessments to reflect learners placement activities and experience. This can be managed within guidelines stipulated by AOs to protect the overall standard of the assessment.

Q33: To what extent do you agree or disagree with our proposal to set a requirement for core knowledge and understanding to be marked by the awarding organisation?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation believes this is an appropriate approach.

Q34: To what extent do you agree that we should require core skills assessments to be marked by the awarding organisation?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

There is a history of AOs working effectively with providers in the assessment of vocational and technical qualifications. The assessment models for qualifications have been developed to support the assessment of skills using methods that are valid for the constructs being assessed. We believe the approaches that have been in operation for many years are effective and work effectively for learners, providers and AOs. Consideration should be given to allowing providers to assess and mark the core skills projects produced by learners (with appropriate support and control by the AO). The decisions of the provider could then be moderated by the AO to ensure the standards are maintained.

Q35: To what extent do you agree that we should require Occupational Specialism assessments to be marked by the awarding organisation?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

The Federation strongly disagrees with this proposal for the following reasons:

- It is not good assessment practice to make a decision about the form of assessment to be used before content has been developed. AOs should have flexibility to make decisions about the best form of assessment for each individual qualification based on considerations of validity, reliability and manageability. We suggest that the requirement should be for assessment to be appropriate and valid to the skills assessed. This is much more in keeping with Ofqual's stated commitment to validity as a core principle.
- Use of marking: observation-based assessment of competence is best conducted against performance descriptors and not through the awarding of marks. In the absence of fully developed content this is not good assessment practice and presents a risk to the

development of valid assessments. It does not seem to be in keeping with Ofqual's stated commitment to the principle of validity.

- It is likely that assessment of the Occupational Specialisms will include a substantive element of observation- based assessment. The use of suitably qualified and experienced assessors, quality assured by a regulated AO is long-established as sufficiently robust and reliable and the most practicable and cost-effective way of conducting observation- based assessments. A requirement for the AO to employ visiting assessors will add significant additional costs to the assessment system and raises concerns about the capacity within the system in relation to assessor resources (which is already a concern in the EPA market).

Q36: To what extent to you agree or disagree with our proposal to put in place assessment controls for core skills and Occupational Specialisms?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

The Federation believes that the current regulation is sufficient.

Q37: To what extent do you agree or disagree with our proposal to put in place requirements for awarding organisations in relation to reviews of marking and appeals?

- Strongly agree
 Agree
 Neither agree nor disagree
 Disagree
 Strongly disagree

Please provide any comments:

The Federation agrees with the proposals around reviews of marking and appeals.

Q38: To what extent do you agree or disagree with our proposal to disapply Condition E1 in respect of Technical Qualifications?

- Strongly agree
 Agree
 Neither agree nor disagree

- Disagree
- Strongly disagree

Please provide any comments:

The Federation agrees that this Conditions should be disapplied. AOs will not determine the objective or support for T levels so will not be in a position to comply with this existing Condition.

Q39: Are there any other General Conditions that we should disapply in respect of Technical Qualifications?

The Federation is mindful that T levels are still taking shape as they are implemented and there may be Conditions that become difficult for AOs to comply with in relation to TQs, in the future. At this stage we feel the following Conditions should be disapplied:

- C2, arrangement with centres – as it is not clear how much control an AO will be allowed to have over the nature of its relationship with the 54 providers who have been pre-selected to offer the first wave of T levels.
- D1, fitness for purpose of qualifications. An AO may find that the requirements placed on it by other agencies in this policy area compromise the qualification and how it meets its purpose. This will not be within the control of AOs.

D3 and E7- see comments below in Q40.

The Federation has also noted that the draft contract issued by DfE on 23rd July indicates some significant areas of overlap between what an AO will need to provide to Ofqual and what it will need to provide to IfA/DfE particularly in relation to issues such as malpractice, event notification and data provision. This represents a potential significant burden for AOs. There may therefore be the need to revisit the relevant Conditions in the future to determine whether there is a case for disapplying them to ease this duplication and burden in relation to TQs.

Q40: To what extent do you agree or disagree that we should provide Technical Qualification-specific guidance for Conditions D3 and E7?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The Federation agrees that it will be necessary to provide additional guidance for AOs in respect of these Conditions when applied to TQs.

Q41: Are there any other General Conditions against which we should provide Technical Qualification-specific guidance?

If the Conditions identified in response to Q39 are not disapplied then we feel Guidance should be provided on how AOs are to comply with them.

Q42: To what extent do you agree or disagree with our proposed approach to setting and maintaining grade standards in the Core?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

The proposed approach to grading seems to suggest that the boundary for each grade would be pre-set and applied consistently, year on year. This appears to be a simple approach that could be easily explained to stakeholders to demonstrate the consistency of grades. However, what it doesn't appear to take into account is the relative difficulty of each assessment and how grade boundaries may need to shift to ensure the standard of performance required to achieve each grade is retained year on year, as opposed to the number of marks a learner would need to achieve for a particular grade.

In relation to occupational competence, grading would best be carried out using predetermined grade descriptors and not on the basis of a number of marks.

Q43: To what extent do you agree or disagree with our proposed approach to setting and maintaining grade standards in the Occupational Specialism?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please provide any comments:

Please see the response to Q42 above.

Q44: We have set out the ways in which our proposals could impact (positively or negatively) on students who share a protected characteristic. Are there any potential impacts that we have not identified?

The Federation believes that the plans to not allow AOs to issue certificates for the achievement of the TQs will impact on learners with disabilities who cannot complete all parts of the T level and who cannot therefore achieve the full T level certificate. This is a severe disadvantage to these learners but also a disadvantage for learners who cannot complete the T level for valid reasons other than a disability.

The requirement for linear, exam-based assessment may also provide challenges for learners with disabilities who find examinations stressful and tiring, even with reasonable adjustments.

Q45: Are there any additional steps we could take to mitigate any negative impact, resulting from our proposals, on students who share a protected characteristic?

The Federation believes that, as the independent regulator for qualifications in England, Ofqual should maintain its usual position on the requirements for certification of learners' achievements and should use its influence with the Department to have this accommodated within the overall policy.

Q46: Do you have any other comments on the impacts of our proposals on students who share a protected characteristic?

The Federation has nothing further to add.

Q47: What do you anticipate the additional burden and cost to be of permitting an additional retake series and of ensuring this was only used for students retaking assessments?

Individual members will provide information on the costs of this activity.

Q48: What do you anticipate the additional burden and cost to be of requiring all assessments to be set and marked by the awarding organisation compared with allowing marking by schools and colleges?

Individual members will provide information on the costs of this activity.

Q49: We have set out our view of the regulatory impact of our proposals on awarding organisations offering Technical Qualifications. Do you have any comments on this assessment?

The Federation has nothing further to add.

Q50: Are there any additional steps we could take to reduce the regulatory impact of our proposals?

The Federation has noted that the draft Contract that the DfE/IfA will issue to AOs who are selected to develop TQs indicates some significant areas of overlap between what an AO must provide to Ofqual and what it will be required to provide to DfE/IfA to fulfil the contract requirements. We would

encourage the regulator to continue discussions with DfE/IfA with a view to minimising this overlap. We are particularly concerned that AOs will be required to provide data monthly under the terms of the contract as data reporting can quickly become resource intensive and expensive if IT systems need to be further developed to provide new data reports.

Q51: Are there any costs or benefits associated with our proposals which we have not identified?

Individual members will provide information on the costs/benefits of the proposals.

Q52: We have not identified any ways in which our proposals will prevent innovation by awarding organisations offering Technical Qualifications. Do you have any comments on this assessment? Please provide specific examples.

Individual members will provide information about the impact on innovation. The Federation believes that the introduction of monopoly markets will not be conducive to supporting innovation. We realise, however, that this arrangement is not within Ofqual's remit.

About you

To evaluate responses properly, we need to know in what capacity you are responding to the consultation. We will only consider your response if you complete the following section. Questions marked with a * are required.

Organisation (if applicable): * Federation of Awarding Bodies

Is this a personal response or an official response on behalf of your organisation? *

Personal response (please answer the question 'If you ticked 'Personal response'')

Official response (please answer the question 'If you ticked 'Official response'')

If you ticked 'Official response', which of the following are you? *

Awarding organisation

Local authority

School or college (please answer the question 'School or college type' below)

Academy chain

Private training provider

University or other higher education institution

Employer

Other representative or interest group (please answer the question 'Type of representative group or interest group' below)

Type of representative group or interest group

Group of awarding organisations

Union

Employer or business representative group

Subject association or learned society

Equality organisation or group

School, college or teacher representative group

Other (please state below)

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.

Nation*

England

Wales

Northern Ireland

Scotland

Other EU country: _____

Non-EU country: _____

The Federation's membership covers all areas.

How did you find out about this consultation?

Ofqual's newsletter

Ofqual's social media channels

Other social media channels

Ofqual's website

Internet search

Other: _____