

# Consultation on rules and guidance for Technical Qualifications

## How to respond to this consultation

The closing date for responses is **28 October 2018 at 23:45**.

Please respond to this consultation in one of three ways:

- [complete the online response](#) (click 'Respond online') on our consultation homepage
- complete this response form and either:
  - email your response to [consultations@ofqual.gov.uk](mailto:consultations@ofqual.gov.uk) – please include *Consultation on rules and guidance for Technical Qualifications* in the subject line of the email and make clear who you are and in what capacity you are responding
  - post your response to: *Consultation on rules and guidance for Technical Qualifications*, Ofqual, 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH, making clear who you are and in what capacity you are responding
- **We can only consider your response if you fill in the 'About you' section at the end of the document.**

## **The identity of the data controller and contact details of our Data Protection Officer**

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual). We are a 'controller' for the purposes of the General Data Protection Regulation (EU) 2016/679 and Data Protection Act 2018 ("Data Protection Laws").

We ask that you read this Privacy Notice carefully as it contains important information about our processing of consultation responses and your rights.

### **How to contact us**

If you have any questions about this Privacy Notice, how we handle your personal data, or want to exercise any of your rights, please contact:

Data Protection Officer at [dprequests@ofqual.gov.uk](mailto:dprequests@ofqual.gov.uk) or write to us at: Data Protection Officer, Ofqual, 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH.

### **Why we are collecting your personal data**

As part of this consultation process you are not required to provide your name or any personal information that will identify you however we are aware that some respondents may be happy to be contacted by Ofqual in relation to their response. If you or your organisation are happy to be contacted with regard to this consultation, please give your consent by completing the details below.

Name: Catherine Sezen

Position (if applicable): Senior Policy Manager

Organisation (if applicable): Association of Colleges

Telephone number: 020 7034 9923

Email: [catherine.sezen@aoc.co.uk](mailto:catherine.sezen@aoc.co.uk)

### **Our legal basis for processing your personal data**

For this consultation, we are relying upon your consent for processing personal data. You may withdraw your consent at any time by contacting us using the details above.

### **How we will use your response**

We will use your response to help us shape our policies and regulatory activity. If you provide your personal details we may contact you in relation to your response.

## **Sharing your response**

We may share your response in full with The Department for Education (DfE) and The Institute for Apprenticeships (IFA) because our consultation sits within a wider DfE/IFA process. We may need to share responses with them to ensure that our approach aligns with that wider process. If we share a response, we will not include any personal data (if you have provided any). Where we have received a response to the consultation from an organisation, we will provide the DfE and IFA with the name of the organisation that has provided the response, although we will consider requests for confidentiality.

Following the end of the consultation, we will publish a summary of responses and may publish copies of responses on our website, [www.gov.uk/ofqual](http://www.gov.uk/ofqual). We will not include personal details.

We will also publish an annex to the consultation summary listing all organisations that responded, but will not include personal names or other contact details.

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

If you select 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality here:

Please note that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information law, primarily the Freedom of Information Act 2000 (FOIA). We have obligations to disclose information to particular recipients, including member of the public, in certain circumstances. Your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance requests for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

Members of the public are entitled to ask for information we hold under the Freedom of Information Act 2000. On such occasions, we will usually anonymise responses, or ask for consent from those who have responded, but please be aware that we cannot guarantee confidentiality.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we won't make your personal name and private contact details publicly available.

### **How long will we keep your personal data**

For this consultation, Ofqual will keep your personal data (if provided) for a period of 2 years after the close of the consultation.

### **Your data**

Your personal data:

- will not be sent outside of the European Economic Area
- will not be used for any automated decision making.
- will be kept secure:

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing.

### **Your rights, eg access, rectification, erasure**

As a data subject, you have the legal right to:

- access personal data relating to you
- have all or some of your data deleted or corrected
- prevent your personal data being processed in some circumstances
- ask us to stop using your data, but keep it on record

If you would like to exercise your rights, please contact us using the details set out above.

We will respond to any rights that you exercise within a month of receiving your request, unless the request is particularly complex, in which case we will respond within 3 months.

Please note that exceptions apply to some of these rights which we will apply in accordance with the law.

You also have the right to lodge a complaint with the Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113. ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## **Consultation questions**

**Q1: Do you have any comments on our proposed assessment strategy Condition and requirements?**

Please provide any comments: It is important that any assessment strategy conditions and requirements are consistent across T Levels while at the same time allowing for flexibility in the type of assessment. Technical qualifications should ensure opportunities for applying knowledge and understanding as would be required in the work place.

**Q2: Do you have any comments on our proposed assessment objective guidance for the core examination?**

Please provide any comments: The three main assessment objectives seem sensible and allow for application of understanding and knowledge as well as more in-depth analysis.

**Q3: Do you have any comments on our proposed assessment objective guidance for the core project?**

Please provide any comments: This seems an appropriate approach.

**Q4: Do you have any suggestions for further requirements or guidance on the controls around assessments, in addition to those set out?**

Please provide any comments: It is important that the T Level technical qualifications allow for practical assessment, i.e. that students are able to demonstrate that they can carry out the techniques they have been learning, e.g. building an arch, supervising a play session and preparing a dish. Being able to apply skills is what will be required in the work place. Teachers should be enabled to assess these skills wherever possible as part of the teaching and learning process. Internal and external

verification processes should be made clear, but should not be onerous on teaching staff or centre administrators.

**Q5: Do you have any comments on our proposed Conditions, requirements and guidance on setting and maintaining grade standards?**

Please provide any comments: No, this seems a sensible approach.

**Q6: Do you have any comments on the details of any of our proposals for Conditions for the review of marking, moderation and appeals of Technical Qualifications? Please refer to specific Conditions in your answer.**

Please provide any comments: No comments related to the specific conditions.

**Q7: Do you have any comments on the details of our proposed guidance for how an awarding organisation should approach Condition TQ13, Condition TQ15, Condition TQ16 or Condition TQ17.2?**

Please provide any comments: No

**Q8: Do you have any comments on the specific wording or details of our proposed guidance for how an awarding organisation should make a substantive determination as to whether or not a Marking Error exists?**

Please provide any comments: No.

**Q9: Do you think any other Conditions between TQ9 and TQ22 require guidance? If so, please describe what issues and areas the guidance should address.**

Please provide any comments: Should consideration be given to recruitment of external assessors for technical qualifications?

**Q10: Do you have any comments on our proposed rules for new Technical Qualifications?**

Please provide any comments:

**TQ13.5** – how will awarding organisations ascertain a person has appropriate competence and has a risk assessment been undertaken to address what will happen if these people cannot be recruited.

**Range of task types** – The range of task types places greater emphasis on written responses (multiple choice, short and extended response) than practical. Should practical 'observation' read practical 'task' and should it be the first alternative for assessment rather than the last for a technical qualification. Writing about something doesn't mean you can apply that knowledge. Could examples also include presentations, problem solving scenarios and design and project briefs.

**Availability of assessments** – Planning of availability of assessments should bear in mind other assessment windows such as A Levels and GCSEs. Colleges are already under huge amounts of pressure to accommodate and invigilate existing exams.

**Standard setting and maintenance** – The importance of cohort 'make up' or 'profile' cannot be under-estimated. It is encouraging to see this has been included.

**Q11: Do you have any comments on our proposed guidance for new Technical Qualifications?**

Please provide any comments: The guidance is in line with that for other qualifications.

**Q12: Are there any regulatory impacts that we have not identified arising from our proposals?**

Please provide any comments: The impact on teaching contracts which include assessment as a required task.

**Q13: Are there any additional steps we could take to minimise the regulatory impact of our proposals?**

Please provide any comments: Ensure that teachers are enabled to assess wherever possible.

**Q14: Are there any costs or benefits associated with our proposals which we have not identified?**

Please provide any comments: No.

**Q15: Is there any additional information we should consider when evaluating the costs and benefits of our proposals?**

Please provide any comments: It is likely that externally marked assessments will result in an increase exam fees for colleges. With current funding rates (even taking into account the additional funding for T Levels – which is additional funding for additional hours – raises questions of financial viability.

**Q16: Do you have any comments on any ways in which our proposals will prevent innovation by awarding organisations?**

Please provide any comments: T Level technical qualifications should ensure the opportunity for innovative assessment methods. The range of suggested tasks should be widened to ensure that the qualifications deliver on the ability to apply

knowledge (project and design briefs, problem solving scenarios, presentations and practical assessment).

**Q17: We have not identified any proposals which could impact (positively or negatively) on learners who share a protected characteristic. Are there any potential impacts that we have not identified?**

Please provide any comments: The emphasis on external assessment could (especially if it is a traditional exam format) impact negatively on students with learning difficulties and disabilities such as dyslexia and autism.

**Q18: Are there any additional steps we could take to mitigate any negative impact, resulting from our proposals, on learners who share a protected characteristic?**

Please provide any comments: Ensure that assessment tasks are varied and reflect working life (projects and problem solving).

**Q19: Do you have any other comments on the impacts of our proposals on learners who share a protected characteristic?**

Please provide any comments: None other than those noted in Q17 above.

## **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): \***

Association of Colleges (AoC)

### **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 'Personal response', which of the following are you? \***

Student

Parent or carer

Teacher (but responding in a personal capacity)

Other, including general public (please state below)

### **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)

**School or college type**

- Comprehensive or non-selective academy
- State selective or selective academy
- Independent
- Special school
- Further education college
- Sixth form college
- Other (please state 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)

**Nation\***

England

Wales

Northern Ireland

Scotland

Other EU country: \_\_\_\_\_

Non-EU country: \_\_\_\_\_

**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: Via direct mailing from Ofqual