

After the QCF

A New Qualifications Framework



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Purpose of the consultation

In December 2014, following a consultation, we announced that we would withdraw the Qualifications Credit Framework (QCF).¹ The QCF contained rules that many vocational qualifications awarded in England and Northern Ireland have been designed to meet. These qualifications are unitised and credit-bearing. When we withdraw these rules awarding organisations will have greater freedom to design their qualifications so they meet users' needs. Awarding organisations will have to comply with the General Conditions of Recognition (the General Conditions), as they do now, but the QCF rules will no longer exist in addition.

Among other things, the QCF rules require awarding organisations to adopt a consistent approach to describing the level of their qualifications. In this consultation we set out our proposals for new Conditions and guidance that will introduce similar requirements about the way the level of a qualification is described once the QCF rules are withdrawn.

During 2014 we also consulted on proposals arising from our statutory obligations and those on awarding organisations under the Raising the Participation Age (RPA) policy.² We proposed that awarding organisations offering qualifications which were relevant for RPA purposes should allocate a guided learning hours value to those qualifications. We took that opportunity to propose additional ways of describing a qualification's size which we considered would be useful for students, teachers and other users of qualifications.

Following on from our consideration of responses to that consultation, we set out below the new Conditions and guidance that we propose to introduce to require all qualifications to have a measure of size (Total Qualification Time – TQT).

Taken together, the above proposals will enable us to introduce a new descriptive qualifications framework, the key requirements of which will be that the size and the level of all regulated qualifications are described in a consistent way.

We also set out the new Conditions and guidance that will apply if awarding organisations choose to assign credit to their qualifications, or components of qualifications, and/or recognise learners' prior learning (including where their qualifications accept credit awarded by another awarding organisation), and on guidance on qualification titles.

¹ www.gov.uk/government/consultations/withdrawing-qcf-regulatory-arrangements

² www.gov.uk/government/consultations/guided-learning-hours

The proposals on which we are consulting here will apply to all regulated qualifications, not just those that might otherwise have been designed to meet the QCF rules.

How to respond

This consultation will run for 12 weeks.

The closing date for responses to this consultation is 17th June 2015.

Please respond to this consultation in one of three ways:

- complete the online response at: <http://surveys.ofqual.gov.uk/s3/after-the-qcf-a-new-qualifications-framework>; or
- email your response to consultations@ofqual.gov.uk
Please include the consultation title (After the QCF: A New Qualifications Framework) in the subject line of the email and make clear who you are and in what capacity you are responding; or
- post your response to: After the QCF: A New Qualifications Framework, Ofqual, Spring Place, Herald Avenue, Coventry, CV5 6UB.

Evaluating the responses

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will only consider your response if you complete the information page.

We will publish the evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

1. Background and introduction

- 1.1 Qualifications are taken for different reasons and they serve different purposes. Some qualifications can be completed quickly, others require years of learning. Some require only elementary knowledge and skills, others a conceptual understanding at the leading edge of a subject or sector. Awarding organisations must design each qualification so it is valid; that is, so it meets its purpose and provides a reliable indication of the knowledge, skills and understanding of the learners who are awarded the qualification. In light of the wide range of qualifications, one set of specific design rules is unlikely to be equally appropriate for all.
- 1.2 In 2008 the QCF was launched by the relevant government departments in England, Northern Ireland and Wales. The QCF included design rules that awarding organisations offering vocational qualifications were incentivised to meet by funding requirements. In 2011 we issued our General Conditions of Recognition. They set out the requirements that we expect the awarding organisations and exam boards that we regulate to meet. Our Conditions apply to all of the qualifications we regulate. In 2011, we used our powers under Conditions B7 and D5 to require awarding organisations which offered particular types of qualifications to adhere to certain paragraphs of the QCF rules.³
- 1.3 Last year we reviewed how the QCF rules were working and found that they did not, in all cases, support the design of good qualifications. We published our findings and, following consultation, we announced our decision to remove the QCF rules.⁴ Adherence to these rules will no longer be required under Conditions B7 and D5. In this consultation we set out how we propose to manage the withdrawal of these rules and a small number of new Conditions and guidance we propose to put in place instead. We are seeking views on our proposals on:
- a draft Condition requiring awarding organisations to assign an appropriate level to their qualifications, with reference to a new set of level descriptors, and to take certain steps if the level is revised;
 - draft guidance on using the level descriptors;

³ The paragraphs of the QCF rules which take effect as a regulatory document under General Conditions B7 and D5 are listed in Ofqual's Regulatory Document List (www.gov.uk/government/publications/regulatory-documents-list).

⁴ www.gov.uk/government/consultations/withdrawing-qcf-regulatory-arrangements

- a draft Condition enabling awarding organisations to allocate a credit value to a qualification, or to a component of a qualification that is discretely assessed, if they so wish;
- amendments to our existing Condition E3 to require awarding organisations to include the level and size of a qualification, and any values for credit assigned to that qualification or any of its components, in the qualification's published specification;
- a draft Condition and guidance on allowing awarding organisations that want to recognise learners' prior learning, so they do not have to repeat study and/or assessment, to do so, subject to the requirement that they publish and follow a policy setting out their approach and that their ability to comply with their Conditions of Recognition is not compromised;
- draft guidance on qualification titles, including on the use of the term NVQ.

1.4 We are also proposing a draft Condition, supported by draft Criteria and draft guidance, requiring awarding organisations to describe the size of their qualifications in a consistent way using Total Qualification Time and its constituent parts, broadly in line with the proposals on which we consulted last year.⁵ The proposed approach will also assist awarding organisations to fulfil their statutory duties with regard to the RPA policy.

1.5 Our proposed approach to the way the level and size of qualifications should be described will underpin a new framework for the qualifications we regulate, the Framework of Regulated Qualifications. The new framework will provide a means to describe and compare aspects of qualifications (their level and size) and to identify possible progression routes between qualifications. The framework will not impose design rules on qualifications. We are using this consultation to seek views on the structure of the framework and propose to use one that will mean that:

- awarding organisations whose qualifications are currently aligned to an appropriate level will not have to change that level;
- the levels will align to the European Qualifications Framework in the same way the levels of the QCF align;
- the higher levels will align to the Framework for Higher Education Qualifications for England, Wales and Northern Ireland in the same way the QCF levels align.

⁵ www.gov.uk/government/consultations/guided-learning-hours

- 1.6 Removing the QCF rules will allow awarding organisations to design qualifications that meet the needs of those who use them and, where certain elements of design are no longer prescribed, enable us more clearly to hold awarding organisations to account for the design choices they make. A new qualifications framework will be one way to help employers, higher education institutions, funding bodies, students and other users to navigate their way through the range of qualifications available and make informed choices.
- 1.7 Whilst any Conditions we put in place to underpin the framework will only apply to the awarding organisations that we regulate, it is likely that, as now, others will use the language of the framework to describe the level and size of other qualifications too.
- 1.8 The proposals on which we are consulting would apply to the awarding organisations and their qualifications that we regulate. These include general and vocational qualifications taken in England and vocational qualifications taken in Northern Ireland. The QCF rules were developed with the regulator in Wales and CCEA, the body that regulates general qualifications in Northern Ireland. They will be taking account of the outcome of this consultation. It will be their aim to ensure that their decisions in relation to our withdrawal of the QCF rules avoid any unnecessary burdens on awarding organisations or cause confusion for stakeholders.
- 1.9 In section 2 of this consultation we set out what we aim to achieve and the proposed timeline for the changes. In sections 3 and 4 we outline our equality analysis and our assessment of the regulatory impacts of our proposals. In section 5 we set out the draft Conditions, criteria and guidance on which we are seeking views.

2. A new Framework of Regulated Qualifications (FRQ)

The framework

2.1 Qualifications frameworks are used to:

- (a) provide a common language with which to explain the relative demand and size of qualifications;
- (b) provide information to users about learning pathways and progression;
- (c) aid international comparison of qualifications and thereby support mobility and portability of qualifications.

2.2 The use of qualifications frameworks is widespread internationally. Typically they consist of the following characteristics:

- (a) levels – which help to explain the relative demand of different qualifications;
- (b) level descriptors – these help to unpack the levels and give an indication of what the holder of a qualification at that level should (in a subject-neutral way) have demonstrated they know and be able to do before they are awarded a qualification;
- (c) a size or volume measure – this gives an indication of the workload which is typically involved in studying and being assessed for the qualification.

2.3 We want to have a descriptive qualifications framework which encompasses all of the qualifications that we regulate. If we put in place requirements about how the level and the size of all qualifications must be described we will have the essential components of a simple, descriptive qualifications framework which will help people understand the range of qualifications on offer and how they might progress through qualifications. A descriptive framework, and the new conditions that underpin it, would not, unlike a prescriptive framework (such as the QCF), drive the design and structure of qualifications. We expect the new descriptive framework could settle over the vast majority of current qualifications, provided an appropriate level has already been assigned, without requiring them to change. The framework will provide a means to describe the level and size aspects of the qualifications that are already on offer or those that will be introduced in the future. It will not say anything about the skills or knowledge that a learner has achieved, the uses to which the qualifications can be put or whether qualifications, even those with the same level and size, can be treated as equivalent.

- 2.4 Before the QCF there was a National Qualifications Framework (NQF). The NQF was intended to help employers to understand the relationship between qualifications. Awarding organisations have continued to develop qualifications “for the NQF” although what that meant was that they were developing qualifications which complied with our General Conditions alone and not with the design rules specified in the QCF.
- 2.5 The new framework will not, and is not intended to, provide all the answers to the questions that users might have about qualifications, but it will provide a good starting point. In our General Conditions of Recognition we already require awarding organisations to publish specifications for each of their qualifications which must include:
- the qualification’s objective;
 - any pre-requisites for those wishing to study the qualification including other qualifications or knowledge, skills and understanding;
 - the knowledge, skills and understanding that will be assessed as part of the qualification;
 - the method of assessment;
 - the criteria which will be used to measure attainment.

We are proposing that in the future, specifications must also include the level and the size of the qualification so that it can be aligned to the framework and we are improving our Register of Regulated Qualifications to provide a more complete picture of the range of qualifications on offer and how they can relate to each other.

The level of a qualification

The number of levels

- 2.6 Our General Conditions require awarding organisations to assign a level to their qualifications and include that level in the qualification’s title. Most of our current regulatory requirements about level are embedded in the QCF rules which only apply to certain types of qualifications. The new rules we propose will apply to all of the qualifications we regulate.
- 2.7 We want to avoid unnecessary change and instability in the qualifications system. Therefore when we withdraw the QCF rules we propose to retain the same number of levels as are used in the QCF (Entry level, with three sub-divisions, plus levels 1 to 8). There was universal support for securing such stability when we consulted last year. We believe retaining the current number

of levels, and not recalibrating the levels, will be helpful to users of qualifications, including employers, higher education institutions and policy-makers.

Level descriptors

2.8 The QCF rules include level descriptors that describe in a subject-/sector-neutral way what the holder of a qualification at a level should know and be able to do. They explain the differences between levels and are used to:

- (a) help awarding organisations to set the right level for their qualifications;
- (b) assist students and other users in understanding and interpreting the level of qualifications; and
- (c) identify the relative complexity of the knowledge and the skills associated with a qualification at that level.

2.9 The level descriptors in the QCF rules will be withdrawn when the rules are withdrawn. Whilst we could reinstate the current descriptors and widen their application to all regulated qualifications, we propose to take the opportunity to introduce a new set. The QCF level descriptors were written primarily for vocational qualifications. We have drafted proposed new descriptors that we believe will better reflect the full range of qualifications to which it is intended they will apply.

2.10 We have deliberately expressed the new descriptors in the form of outcomes. They point to the knowledge, skills and understanding which the holder of a qualification at that level would be expected to have. They do not set out any requirements or expectations about content, delivery or assessment of the qualification.

2.11 Since we do not propose to change or recalibrate the current number of levels, the proposed level descriptors reflect the expectations of the current ones. However, we propose the new level descriptors are divided into knowledge and skills categories only. The descriptors in the QCF rules additionally set out expectations about a learner's autonomy and accountability. The current approach assumes such attributes are consistently aligned with knowledge and skills, but this is not the case. A learner's ability to act autonomously and to be accountable for his or her actions cannot always be associated with a level of knowledge and skills and will not be the same for all subjects and sectors. There are roles, for example in legal practice, which require the holder to have the knowledge and skills associated with level 6 or 7 qualifications but where it would be considered negligent, if not dangerous, to immediately allow someone

to work with a level of autonomy, that might be appropriate, in other sectors, for the holder of, say, a level 3 qualification.

2.12 This does not preclude a qualification seeking to recognise levels of autonomy: the proposed framework is intended to describe, not constrain what qualifications are designed to achieve. If part of the objective of the qualification is to recognise that someone is capable of demonstrating a particular level of autonomy in the workplace, this should be assessed as part of the qualification and the qualification should be levelled by reference to the knowledge or skills. Nor do the proposed descriptors require that both knowledge and skills are substantially assessed in every qualification; that will depend on the purpose of the qualification. The judgement about level will need to be made taking into account the relative weight and demand of the knowledge and skills that are assessed.

2.13 The draft level descriptors are set out in section 5 (see page 30). For reference purposes we have also included the QCF descriptors and the European Qualifications Framework (EQF) descriptors (called learning outcomes) at Appendix 1.⁶

The European Qualifications and Credit Framework

2.14 The EQF works as a qualifications translation device or converter⁷ to help people understand how the levels of one national qualifications framework relate to those in another. It was introduced to aid mobility by providing a device by which the relative demands of qualifications taken in different countries can be understood. The EQF does not operate as a qualifications framework in its own right; it does not include or reference individual qualifications or have a regulatory function.

2.15 What the EQF does is to help someone who, say, has a qualification at level 5 in Italy to see that this would be a level 3 qualification in France; and an employer in Ireland who is, say, considering recruiting the holder of a level 4 qualification awarded in Lithuania to see the qualification would be at level 6 in Ireland.

2.16 The QCF level descriptors are mapped to the EQF. If we retain the current number of levels we intend to carry forward that mapping. This will avoid a situation in which qualifications awarded before the removal of the QCF

⁶ See page 64

⁷ <https://ec.europa.eu/ploteus/en/compare>

regulatory arrangements were aligned in one way to the EQF and, after the withdrawal of the arrangements, in another way.

2.17 The EQF descriptors do not map exactly to the QCF level descriptors. If, as we propose, we reflect the current levels in new level descriptors, those new descriptors will not map exactly either. The concept of ‘entry level’ is not reflected in the EQF although the QCF Entry level (3) descriptor aligns to EQF Level 1. There is also a challenge at level 5 where the EQF maps to levels 4 and 5 in the QCF. The EQF and QCF levels map as follows:

EQF	QCF
	Entry (1)
	Entry (2)
Level 1	Entry (3)
Level 2	Level 1
Level 3	Level 2
Level 4	Level 3
Level 5	Level 4/5
Level 6	Level 6
Level 7	Level 7
Level 8	Level 8

Alignment to the Framework for Higher Education Qualifications

2.18 The level descriptors for levels 4–8 in the QCF regulatory arrangements are also mapped to the levels in the Framework for Higher Education Qualifications for England, Wales and Northern Ireland (the FHEQ). The FHEQ is a reference tool for providers of higher education. It uses qualification descriptors to set out the outcomes and attributes expected for the award of individual qualifications within higher education ranging from, for example, a Higher National Certificate at level 4 to doctoral degrees at level 8. The QCF levels map straight across to the FHEQ at levels 4–8. We propose to retain this alignment.

Changes to level

2.19 The new Conditions we are proposing to introduce should provide assurance that the level that has been assigned to a qualification is appropriate. Users of qualifications, including employers, funders and those who make decisions about someone’s ability to progress to further and higher education, as well as students, rely on the level of a qualification giving an accurate indication of the ability of the qualification holder. We expect awarding organisations to assign the most appropriate level to their qualifications based on alignment of the qualification’s purpose, content, outcomes and assessment and to be able to justify the selected level. We expect that the level of a qualification would be relatively static – unless there are major changes to the qualification.

Level and credit

2.20 When the QCF rules are withdrawn, it will continue to be possible for awarding organisations to attribute credit to their qualifications. The credit can be attached to part of a qualification or, where the qualification is unitised, to a unit.⁸ Where a qualification is not unitised, we propose to describe the part of a qualification to which credit can be attached as a Component. A Component is a part of a qualification which focuses on specific areas of the knowledge, skills and understanding assessed for the qualification, and has its own criteria for differentiating learner performance.

2.21 Credit recognises the achievement of a learner at a level and so where credit is to be attributed to a Component of a qualification, that Component must also be given a level.

Regulatory requirements

2.22 To embed the requirement that awarding organisations assign an appropriate level to their qualifications we propose to introduce a new Condition of Recognition, E9, that would require an awarding organisation to:

- assign an appropriate level or levels to each of its qualifications and, in some situations, to components of a qualification;
- select the level from Entry level 1–3 and levels 1–8;
- notify us if it proposes to change the level of a qualification and manage that change through an appropriate process;
- change the level of a qualification at our request and manage that change accordingly.

2.23 The Condition is supported by draft guidance on how awarding organisations should use the level descriptors when assigning a level to their qualifications. The draft guidance recognises that for some larger qualifications the content and assessment might not all be at the level the learner is expected to reach on conclusion of the qualification.

2.24 Some qualifications span two levels, most obviously GCSEs. This enables a learner to aim for an award at the higher level but to be awarded a qualification at the lower level if they achieve certain grades. The new Condition will allow for this.

⁸ This is because although the proposed Condition does not mention units, the definition of a qualification in Condition J1.2(i) states that references to a qualification includes any units of that qualification.

Describing the size of a qualification

Total Qualification Time

2.25 The size of a qualification gives an indication of the scope of the likely subject coverage and of the workload and commitment involved in achieving the qualification. Some of the qualifications we regulate can be awarded at the end of a day's learning while others take months or years, starting from the point where a learner typically begins their study for that particular qualification.

2.26 When we consulted on withdrawing the QCF rules, we consulted in parallel⁹ on how we should fulfil our statutory duties in relation to the RPA.¹⁰ We are required by the Act to set and publish criteria for determining whether a qualification is relevant for the purposes of the Education and Skills Act 2008 (the RPA Criteria). The RPA Criteria will set out the factors that an awarding organisation must consider when it considers whether a qualification is relevant for RPA purposes and so should help them to fulfil the duties which the Act also places on them. The draft RPA Criteria are set out in section 5.

2.27 We proposed to introduce the concept of 'Total Qualification Time' (TQT). TQT would be made up of Guided Learning,¹¹ Directed Study and Dedicated Assessment. This approach would provide a complete picture of the time it will typically take a learner to complete a qualification, of which guided learning hours will often only be a part. The allocation of a TQT value is not intended to constrain the design of programmes or limit flexibility where it is needed – for example, it may be that some learners will take longer to complete their study for some qualifications and TQT should not impact on that.

⁹ www.gov.uk/government/consultations/guided-learning-hours

¹⁰ The RPA policy is given legal force by section 2(1)(c) of the Education and Skills Act 2008. Section 145 of the Apprenticeships, Skills, Children and Learning Act 2009 (the Act) imposes a duty on awarding organisations to determine whether a qualification is, or is likely to be, taken by a young person for RPA purposes, and, if so, to set out how many "hours of guided learning" students will need to complete the qualification. A consistent approach is needed to calculating the relevant time commitment. Section 146 of the Act therefore requires us to set and publish criteria for awarding organisations to:

- determine whether a qualification is or is likely to be used by persons in England aged 16 or 17 for RPA purposes; and
- calculate and describe the time students will typically need to spend undertaking certain activities when taking a qualification that is relevant for RPA purposes.

¹¹ s. 145(11) the Act: "...actual guided learning means the time a person spends:
(a) being taught or given instruction by a lecturer, tutor, supervisor or other appropriate provider of education or training, or
(b) otherwise participating in education or training under the immediate guidance or supervision of such a person,
but does not include time spent on unsupervised preparation or study, whether at home or otherwise"

- 2.28 We originally proposed that only qualifications deemed to be relevant for RPA purposes must have a size measure. However, this approach would require us to impose on all awarding organisations a condition requiring them to determine whether each of their qualifications is relevant for RPA purposes.
- 2.29 Responses to our GLH consultation suggested that awarding organisations would want to describe the size of all their qualifications, including those that were not relevant for RPA. If we require all awarding organisations to identify the size of all their qualifications, whether or not they are relevant for RPA purposes, we will not need to impose a Condition requiring them to determine whether a qualification is relevant for RPA purpose.¹² We believe this approach will be less burdensome on awarding organisations than our original proposal.
- 2.30 We want to be certain that the descriptions and definitions we apply to TQT and its component parts are appropriate for all of the qualifications that we regulate. We have therefore reviewed the terms on which we consulted in 2014 and now propose to use the term “Directed Learning” instead of “Directed Study” as the former has wider application to work-based as well as academic learning. For similar reasons, we propose to use the term “Invigilated Assessment” rather than “Dedicated Assessment”. We considered a number of options instead of the term “Dedicated Assessment”¹³ and prefer “Invigilated Assessment” as it gives a clear indication that the assessment is to be invigilated rather than undertaken with guidance or direction from a supervisor or tutor. It will also signal that there might be other types of assessment within the qualification.
- 2.31 We are consulting here on a draft Condition that will require an awarding organisation to assign a number of hours of Guided Learning, Directed Learning and Invigilated Assessment to each qualification it makes available or proposes to make available. The Condition will be supported by TQT Criteria that awarding organisations must use when assigning values for the three elements of TQT to their qualifications. The TQT Criteria address:
- the factors to be considered when assigning hours of Guided Learning, Directed Learning or Invigilated Assessment;

¹² We note however that such a determination remains a statutory obligation on awarding organisations under section 145 of the Act.

¹³ One option is “Other Assessment” but this does not make clear what differentiates assessment in this category from assessments categorised under Guided Learning or Directed Learning. The other option is “Examinations” but this term is usually associated with general or more academic qualifications and could devalue a perfectly valid qualification if there was a zero entry for this component.

- the evidence to be gathered to support estimates of any elements of TQT including relevant information available from users of qualifications;
- recording of the number of Guided Learning, Directed Learning and Invigilated Assessment hours;
- retaining evidence about the TQT calculations;
- the requirement to calculate TQT on the basis of the shortest route through the qualification.

2.32 The new Condition will also be supported by guidance which will include:

- examples of the different activities that should be included within the definitions of Guided Learning, Directed Learning and Invigilated Assessment Hours;
- exemplar qualifications with their activities divided into Guided Learning, Directed Learning and Invigilated Assessment Hours; and
- positive and negative indicators of awarding organisation behaviour which might point to compliance/non-compliance.

We are also proposing definitions of Guided Learning,¹⁴ Dedicated Learning, Invigilated Assessment and Invigilation.

2.33 Sometimes the same qualification can be delivered in different ways and may have different time requirements. In practice, an awarding organisation can only estimate the amount of time learners will typically take to complete a qualification. To recognise this we currently allow an awarding organisation to indicate a range within which GLH actually used will be expected in all cases to fall. But the Act requires awarding organisations to assign a single GLH value to an RPA-relevant qualification. We will therefore require an awarding organisation to indicate a single GLH value for each of its qualifications.

2.34 Where there are optional routes through a qualification, we propose that awarding organisations must use the shortest route through it. We reflect this in our proposed guidance on GLH values.

¹⁴ The proposed definition of Guided Learning is based on the definition of actual guided learning in section 145(11) of the Act, for which see fn 10.

Credit

- 2.35 When we consulted on withdrawing the QCF rules, we proposed that an awarding organisation could attribute a credit value to a qualification and to components of qualifications. Although we do not intend to require awarding organisations to use credit values, if credit is to be used it will only be meaningful if all awarding organisations that use credit calculate it in the same way.
- 2.36 When we consulted in 2014 we proposed that credit should be calculated by dividing the sum of Guided Learning hours and Directed Study hours by 10. In light of the responses to the consultation, and taking account of the way credit is calculated in UK higher education and in Europe, we now propose that credit is calculated by dividing TQT by 10. In other words, all assessment time would be included within the credit value. We do not believe that for most qualifications the inclusion of all assessment time would materially affect the credit value.
- 2.37 We propose to introduce new Conditions to require awarding organisations that attribute credit to:
- calculate the credit value of a qualification by dividing the total qualification time for the qualification by 10;
 - include the credit value in the qualification specification;
 - assign a level to any components to which they attribute credit.

The proposed changes will be supported by a definition of component. We propose to define component as a discrete part of a qualification that covers specific knowledge, skills and understanding and which has its own set of criteria against which students' performance can be differentiated.

The unit bank and unit-sharing

- 2.38 A key feature of the QCF is the requirement that qualifications have a unitised structure. Units are described as the building blocks of all QCF qualifications and can be developed by a unit submitter to be shared with any awarding organisation. When we consulted in 2014 we set out our proposals for closing the unit bank and winding down unit sharing.
- 2.39 In December 2014 we announced that we would close the unit bank and wind down unit sharing when we formally withdraw the QCF rules. We will work directly with awarding organisations and unit submitters over the next few months to prepare for an orderly closure of the unit bank and to end unit sharing. As part of that, if previously shared units are not being given to awarding organisations that are already using them, we will allow two years

after the withdrawal of the QCF rules for awarding organisations to replace the unit with one which they have developed themselves, or to withdraw the qualification. We are not consulting further on our proposals for closure of the unit bank and the end of unit sharing.

- 2.40 Awarding organisations will still be able to design unitised qualifications once the QCF rules are withdrawn provided they can comply with our General Conditions of Recognition.

Titles

- 2.41 Qualification titles should provide students and users with a good indication of what a qualification is all about. The title should point to the qualification's objective, the knowledge and skills which will be assessed within the qualification, and indicate the demand or complexity associated with the qualification. A qualification's title should not over-claim or mislead students and others users about the qualification.
- 2.42 Our General Conditions of Recognition require that the title of a qualification should not be misleading. In our previous consultation we proposed to require that the term "QCF" be removed from the title of qualifications. We recognised that such a requirement would impose a regulatory burden on awarding organisations and that the term QCF has gained currency in some sectors; on the other hand, allowing the continued existence of the term "QCF" is likely to be confusing and could be misleading. We have considered whether we should allow awarding organisations to continue to use the term "QCF" in the titles of qualifications where the term had gained currency in a particular sector. However, we believe that this would become increasingly confusing and difficult to explain.
- 2.43 We want to allow a reasonable amount of time for awarding organisations to remove the term "QCF" from the titles of their existing qualifications and marketing materials and to minimise the regulatory burden by aligning this, where possible, to the qualification's review date. After reviewing a qualification, an awarding organisation could decide to retain a structure and design that is similar to that which it might have used to meet the QCF rules if this was a valid way of meeting the objectives of the qualification.
- 2.44 We propose that awarding organisations should by 31st December 2017 have removed the term "QCF" from the title of their existing qualifications and we will introduce guidance to support this. The proposed approach will allow awarding organisations a reasonable amount of time in which to make the necessary changes to titles of their existing qualifications and identify a point beyond which we would not expect the term "QCF" to be used in qualification titles.

- 2.45 Awarding organisations may want to review their QCF qualifications before their scheduled review dates and as part of that, might choose to remove the term “QCF” from the title. For those awarding organisations who want to wait or whose qualification review dates fall after 31st December 2017, we believe the proposed cut-off date is proportionate and allows them a reasonable amount of time in which to plan for and make the necessary changes to the titles of their qualifications.
- 2.46 It can be in the interests of awarding organisations to title their qualifications in ways which distinguish them and increase their market share. But this can confuse learners. If we introduce the new framework, all qualifications will be required to have an accurate level and a measure of size (TQT). It will therefore be possible for all users to see two constants about qualifications – the level and how big they are – which will help them to understand and compare qualifications.
- 2.47 Since 2008, the terms award, certificate and diploma, required by the QCF rules, have operated as a form of shorthand to describe small, medium and large sized qualifications (although at the upper end, a diploma can be anything from 37 to 100s of credits in size). The requirement for all qualifications to have a size expressed in terms of TQT would not prevent the use of the terms “award” “certificate” and “diploma” in the title of a qualification provided this is not misleading. Our regulatory focus will be on the accuracy of the qualification’s level, its size and on the title which should provide a good indication of content and not be misleading.
- 2.48 We will continue to regulate using the requirement in the General Conditions that the titles of qualifications are not misleading and propose to support this with new guidance which will address:
- the use of particular terms where there is an established association with size;
 - the use of terms which are associated with higher education qualifications such as “graduate” and “postgraduate”;
 - the use of titles which make subjective statements about qualifications for example, “Superior Diploma”.
- 2.49 When the QCF was launched in 2008 it was intended that qualifications designed to meet the QCF rules would in due course replace National Vocational Qualifications (NVQs). NVQs are work-based qualifications developed using agreed sector-wide standards. They were supported by a regulatory framework including a Code of Practice. When we introduced our General Conditions of Recognition we reviewed the NVQ framework and while

some parts of it were superseded by the General Conditions, other parts took effect as regulatory documents under General Conditions B7 and D5 including the Criteria for NVQs and some parts of the Code of Practice.

2.50 Historically the NVQ has had strong support in a number of sectors and in those there is well established understanding of the qualification.

2.51 We propose that it should continue to be possible for the term “NVQ” to be included in the title of a qualification where that qualification:

- is based on recognised occupational standards;
- confers occupational competence;
- requires work-based assessment and/or assessment in an environment that simulates the work place.

We have reviewed the remaining parts of the NVQ framework to identify which of parts of it, in addition to the General Conditions, are required to give effect to a clear and shared understanding of the NVQ. We propose to withdraw all remaining parts of the NVQ framework, including those parts of the NVQ Code of Practice which remain in force, and to rely solely on the General Conditions (supplemented by the proposed guidance on use of the NVQ title) to regulate the award of qualifications which include the term “NVQ” in their titles. Although we propose to withdraw the NVQ Code of Practice as a regulatory document, we see no reason why awarding organisations should not continue to use it for reference and guidance when developing and awarding certain qualifications. We will no longer require adherence to it, however, as part of our regulatory framework.

2.52 We propose to withdraw the following as regulatory documents under Conditions B7 and D5:

- the criteria for the NVQ;
- the NVQ Code of Practice;
- the addendum to the NVQ Code of Practice 2006;
- the Operating Rules for using the term NVQ in a QCF qualification title.

Recognition of prior learning

2.53 Recognition of prior learning (RPL) is the process of recognising previous formal, informal or experiential learning so that the learner avoids having to repeat learning/assessment within a new qualification. RPL is a broad concept and covers a range of possible approaches and outcomes to the recognition of

prior learning (including credit transfer where an awarding organisation has decided to attribute credit to a qualification).

- 2.54 We are proposing to introduce a new Condition which will set out our expectations of awarding organisations which want to recognise prior learning. The Condition will require an awarding organisation which allows RPL to publish and comply with the process by which it does so and to ensure that any such process enables it to comply with our General Conditions.

3. Equality analysis

3.1 The Equality Act 2010 requires us to have regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct which is prohibited under the Equality Act 2010;
- advance equality of opportunity between persons who share a relevant protected characteristic¹⁵ and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.2 When performing our functions in Northern Ireland, we must, in accordance with Section 75 of the Northern Ireland Act (1998), also consider political opinion and caring for dependents as protected characteristics.

3.3 We have considered the potential equality impacts throughout the process of reviewing the QCF, our subsequent 2014 QCF consultation¹⁶ and our GLH consultation.¹⁷ A small number of respondents to our 2014 consultations identified potential equality impacts. They were:

- The possibility that when the QCF is withdrawn, it could be more difficult for learners with protected characteristics to understand what a qualification offers and how qualifications relate to each other, particularly their size. However, one of the key aims of the proposed new qualifications framework is to act as a communications tool. We judge that the proposals for the new framework which we have set out in this consultation will help all learners, including those with particular protected characteristics, to understand how qualifications relate to each other both in terms of level and size.
- The continuing need for a unitised offer, particularly for disadvantaged and hard-to-reach students. The proposals we set out in our 2014 consultation and which we have developed for this consultation make clear that there is nothing within our proposals which would prevent awarding organisations from developing and offering units and unitised qualifications. We expect

¹⁵ The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

¹⁶ www.gov.uk/government/consultations/withdrawing-qcf-regulatory-arrangements

¹⁷ www.gov.uk/government/consultations/guided-learning-hours

that there will continue to be a demand for unitised qualifications and our regulatory framework will not get in the way of this.

- The need for a clear communications plan and for a reasonable timeline. We have continued to communicate our proposals to stakeholders and in response to comments on the 2014 consultation, we extended the timeline for implementation of the proposed changes to allow an extended period for qualifications to be changed or withdrawn and aligned the timeline so that the proposed changes would only begin to take effect when the QCF rules are withdrawn.

3.4 We have drawn on the outputs of our 2014 consultation and accompanying stakeholder events and we will continue to review any literature and engage with stakeholders to help identify the potential impacts of any of our proposals on students who share a protected characteristic. We hope to use responses to this consultation to increase our understanding of any possible effects to inform our eventual decisions. We encourage everyone who responds to this consultation to consider the potential equality effects of our proposals and to give us any relevant information or evidence they may have. We will take all the information and evidence we receive into account when making decisions.

4. Regulatory impacts

- 4.1 In our 2014 consultations¹⁸ we asked a number of questions to help inform our understanding of the regulatory impacts of our proposals. We also held a number of stakeholder events with awarding organisations and other bodies to support those consultations where attendees identified possible impacts. We have used the responses we received to the 2014 consultations to inform our approach to dealing with the regulatory impacts in the best and least burdensome ways.
- 4.2 The key issues raised by respondents to our consultations and by those who attended stakeholder events were:
- The need for a joined-up approach. Throughout this process we have worked with key stakeholders, including funding bodies, to ensure they are aware of and understand the implications of our proposals and to anticipate and avoid any unintended consequences. We will continue to work with funding bodies and other key stakeholders throughout this consultation and in finalising our proposals.
 - Confusion about what would replace the QCF when the rules are withdrawn and about the status of the NQF. In this consultation we have set out our clear intention to create a new framework for all of the qualifications we regulate with details of how that will work and the new Conditions and guidance that will be needed to support it. Importantly, and to support understanding of the potential impacts, we have also identified what the new framework will not do: it will not force the redesign or restructure of good, valid qualifications; nor do we anticipate it will cause unnecessary turbulence in the qualifications market.
 - Timelines were too short to enable awarding organisations to plan for the proposed changes. In response to this we extended the timelines for closure of the unit bank and the wind-down of unit sharing from January 2015 to the date when we withdraw the QCF rules. We communicated this to all unit submitters and awarding organisations in December 2014 and said at that time that we anticipated that we would not withdraw the QCF rules before summer 2015.
 - The obligations set out in the Act and RPA imposed a dual regulatory burden on awarding organisations to first consider whether their

¹⁸ www.gov.uk/government/consultations/withdrawing-qcf-regulatory-arrangements and www.gov.uk/government/consultations/guided-learning-hours

qualifications were relevant for RPA purposes and then secondly, if they were, to estimate the GLH. Respondents to the consultation said that if all qualifications were required to have a measure of size (as most already have), the regulatory burden would be reduced, as a separate regulatory requirement to consider relevance for RPA purposes would become unnecessary. Awarding organisations will continue to have their own obligations under the Act to consider a qualification's relevance for RPA purposes.

- 4.3 In this consultation we ask a number of questions to help inform our further understanding of the regulatory impacts of our proposals. We will use the responses we receive to inform our final approach to dealing with the regulatory impacts in the best and least burdensome ways.
- 4.4 When we announce our final policy decision, we will also publish a full regulatory impact assessment of the effects of our decisions.

5. Draft new Conditions, guidance and criteria

- 5.1 This section sets out the draft new Conditions, guidance and criteria we outlined in section 2 of this consultation. We have structured this section so that, where appropriate, each draft Condition is set out with its associated guidance and criteria.
- 5.2 Several of the proposed new Conditions include sunrise provisions. This means they will not immediately apply to awarding organisations when the new Conditions are made. We will write to awarding organisations to tell them of the provision's operative start date. We have therefore attached these sunrise provisions to some of our proposed Conditions to allow awarding organisations sufficient time to make the changes.
- 5.3 The Conditions which are subject to sunrise provisions are as follows:
- E3.2 (l) – requirement to include TQT and credit values in a qualification specification;
 - E3.2 (m) – requirement to include the level of a qualification in the specification;
 - E3.4 – requirement to amend a qualification specification if TQT, level or credit value is revised;
 - E3.5 – requirement to publish an amended specification;
 - E7.1 – requirement to assign a number of hours of Guided Learning, Directed Learning and Invigilated Assessment to a qualification;
 - E7.4 – Requirement to revise TQT following any review by Ofqual of TQT.

Level

- 5.4 In paragraphs 2.6 to 2.24 we set out our proposals for level. As part of our proposals we have developed new level descriptors which an awarding organisation must use when assigning a level to a qualification and a component of a qualification. We have also set out proposed guidance on level.
- 5.5 The level of a qualification should align with its purpose, content, learning outcomes and assessment criteria. We expect awarding organisations to be rigorous in their approach to level and in all cases to assign appropriate levels. For that reason, where an awarding organisation wants to change the level of a qualification, we are proposing that should be a properly managed and planned process.

Proposed new General Condition E9

Condition E9 Qualification and Component levels

- E9.1 An awarding organisation must assign one or more levels to each qualification which it makes available or proposes to make available.
- E9.2 Where an awarding organisation assigns a value for credit to a Component of a qualification which it makes available or proposes to make available, it must assign a level to that Component.
- E9.3 An awarding organisation must adhere to any requirements, and have regard to any guidance, which may be published by Ofqual and revised from time to time in assigning –
- (a) a level to a qualification,
 - (b) more than one level to a qualification, and
 - (c) a level to a Component of a qualification.
- E9.4 An awarding organisation must –
- (a) keep under review each level which it has assigned to a qualification or a Component of a qualification,
 - (b) in particular, review that level following any revision by Ofqual of any requirements published under this Condition, and
 - (c) revise that level if appropriate.

E9.5 Following any review by Ofqual of a level assigned to a qualification or a Component of a qualification an awarding organisation must revise that level in any manner specified by Ofqual.

Management of the revision of a level assigned to a qualification

E9.6 An awarding organisation must give to Ofqual reasonable notice of its anticipated revision of a level assigned to a qualification, and must do so prior to the time at which it provides that information to any Users of the qualification.

E9.7 Where an awarding organisation intends to revise, or is obliged to revise, a level assigned to a qualification, it must –

- (a) take all reasonable steps to protect the interests of Learners in relation to that qualification,
- (b) promptly prepare, maintain, and comply with a written revision plan, which must specify how the interests of Learners in relation to that qualification will be protected, and
- (c) provide clear and accurate information about the revision to Users of the qualification who are likely to be affected by the revision.

An awarding organisation must ensure that any revision plan which it prepares complies with any requirements which Ofqual has communicated to it in writing.

Level requirements

Condition E9.3(c) allows us to specify requirements which must be followed by an awarding organisation when assigning –

- (a) a level to a qualification;
- (b) more than one level to a qualification; and
- (c) a level to a Component¹⁹ of a qualification.

We set out our proposed requirements for the purposes of Condition E9.3(c) below.

1. Assigning a level to a qualification

When assigning a level to each of its qualifications in accordance with Condition E9.1, an awarding organisation must use the level descriptors to select the most appropriate level to assign to that qualification.

2. Assigning more than one level to a qualification

When assigning more than one level to a qualification an awarding organisation must:

- (a) be satisfied that the range of achievement recognised by the qualification is sufficient to span more than one level,
- (b) use the level descriptors set out in Annex 1 to this document to select the most appropriate levels to assign to that qualification,
- (c) have a clear rationale for assigning more than one level to that qualification, and
- (d) publish that rationale.

3. Assigning a level to a Component of a qualification

When assigning a level to a Component of a qualification in accordance with Condition E9.2 an awarding organisation must:

- (a) use the level descriptors set out in Annex 1 to this document to select the most appropriate levels to assign to that Component, and

¹⁹ Terms in this document should be interpreted in line with General Condition J1.

- (b) take all reasonable steps to ensure that the level assigned to each Component is appropriate when considered against the level assigned to the qualification as a whole.

Annex 1 The level descriptors

1.1 The level descriptors are divided into two categories:

- (a) knowledge and understanding; and
- (b) skills.

1.2 There is a knowledge descriptor and a skills descriptor for each level within the framework. The descriptors apply to all the qualifications we regulate, general and vocational, and so many of the descriptors have an “and/or” construction to indicate their applicability to the knowledge and skills associated with the study of a subject or in preparation for a job or role.

1.3 The level descriptors build on those used within the Qualifications and Credit Framework (QCF) and the European Qualifications Framework (EQF). Levels 4–8 are intended to be consistent with the five levels within the Framework for Higher Education Qualification in England, Wales and Northern Ireland (FHEQ).

1.4 The descriptors set out the generic knowledge and skills associated with the typical holder of a qualification at that level. The level descriptors are framed as outcomes and each category starts with a stem statement (“the holder can...”) which then links into the outcomes associated with each level of the framework. The exception to this are the descriptors for the knowledge and skills associated with Entry 1 achievement. These descriptors are designed to include pre-Entry achievements and so the descriptor is based on a continuum of achievement which can be used to track and recognise progress towards the achievement of student-centred targets. None of the descriptors is intended to point to the process of learning or to assessment methods.

Level	Knowledge descriptor (the holder...)	Skills descriptor (the holder can...)
Entry 1	Progresses along a continuum that ranges from the most elementary of achievements to beginning to make use of knowledge and/or understanding that relate to the subject or immediate environment.	Progress along a continuum that ranges from the most elementary of achievements to beginning to make use of skills that relate to the subject or the immediate environment.

Entry 2	<p>Has basic knowledge or understanding of a subject and/or can carry out simple, familiar tasks; and</p> <p>Knows the steps needed to complete simple activities.</p>	<p>Carry out simple, familiar tasks and activities. Follow instructions or use rehearsed steps to complete tasks and activities.</p>
Entry 3	<p>Has basic knowledge and understanding to carry out structured tasks and activities in familiar contexts; and</p> <p>Knows and understands the steps needed to complete structured tasks and activities in familiar contexts.</p>	<p>Carry out structured tasks and activities in familiar contexts. Be aware of the consequences of actions for self and others.</p>
L1	<p>Has basic factual knowledge of a subject and/or knowledge of facts, procedures and ideas to complete well-defined routine tasks and address simple problems; and</p> <p>Is aware of aspects of information relevant to the area of study or work.</p>	<p>Use basic cognitive and practical skills to complete well-defined routine tasks. Select and use relevant information.</p> <p>Identify whether actions have been effective.</p>
L2	<p>Has knowledge and understanding of facts, procedures and ideas in an area of study or field of work to complete well-defined tasks and address straight-forward problems.</p> <p>Can interpret relevant information and ideas.</p> <p>Is aware of a range of information that is relevant to the area of study or work.</p>	<p>Select and use relevant cognitive and practical skills to complete well-defined, generally routine tasks and address straightforward problems.</p> <p>Identify, gather and use relevant information to inform actions.</p> <p>Identify how effective actions have been.</p>
L3	<p>Has factual, procedural and theoretical knowledge and understanding of a subject or field of work to complete tasks that while well-defined, may be</p>	<p>Identify, select and use appropriate cognitive and practical skills, methods and procedures to address problems that while well-defined, may be</p>

	<p>complex and non-routine.</p> <p>Can interpret and evaluate relevant information and ideas.</p> <p>Is aware of the nature of the area of study or work.</p> <p>Is aware of different perspectives or approaches within the area of study or work.</p>	<p>complex and non-routine.</p> <p>Use appropriate investigation to inform actions.</p> <p>Review how effective methods and actions have been.</p>
L4	<p>Has practical, theoretical or technical knowledge and understanding of a subject or field of work to address problems that are well defined but complex and non-routine.</p> <p>Can analyse, interpret and evaluate relevant information and ideas.</p> <p>Is aware of the nature of approximate scope of the area of study or work.</p>	<p>Identify, adapt and use appropriate cognitive and practical skills to inform actions and address problems that are complex and non-routine while normally fairly well-defined.</p> <p>Review the effectiveness and appropriateness of methods, actions and results.</p>
L5	<p>Has practical, theoretical or technological knowledge and understanding of a subject or field of work to find ways forward in broadly defined, complex contexts.</p> <p>Can analyse, interpret and evaluate relevant information, concepts and ideas.</p> <p>Is aware of the nature and scope of the area of study or work.</p> <p>Understands different perspectives, approaches or schools of thought and the reasoning behind them.</p>	<p>Determine, adapt and use appropriate methods, cognitive and practical skills to address broadly defined, complex problems.</p> <p>Use relevant research or development to inform actions.</p> <p>Evaluate actions, methods and results.</p>
L6	<p>Has advanced practical, conceptual or technological knowledge and understanding of a subject or field of work to</p>	<p>Determine, refine, adapt and use appropriate methods and advanced cognitive and practical skills to address problems that</p>

	<p>create ways forward in contexts where there are many interacting factors.</p> <p>Understands different perspectives, approaches or schools of thought and the theories that underpin them.</p> <p>Can critically analyse, interpret and evaluate complex information, concepts and ideas.</p>	<p>have limited definition and involve many interacting factors.</p> <p>Use and, where appropriate, design relevant research and development to inform actions.</p> <p>Evaluate actions, methods and results and their implications.</p>
L7	<p>Reformulates and uses practical, conceptual or technological knowledge and understanding of a subject or field of work to create ways forward in contexts where there are many interacting factors.</p> <p>Critically analyses, interprets and evaluates complex information, concepts and theories to produce modified conceptions.</p> <p>Understands the wider contexts in which the area of study or work is located.</p> <p>Understands current developments in the area of study or work.</p> <p>Understands different theoretical and methodological perspectives and how they affect the area of study or work.</p>	<p>Use specialised skills to conceptualise and address problematic situations that involve many interacting factors.</p> <p>Determine and use appropriate methodologies and approaches.</p> <p>Design and undertake research, development or strategic activities to inform or produce change in the area of work or study.</p> <p>Critically evaluate actions, methods and results and their short and long-term implications.</p>
L8	<p>Develops original practical, conceptual or technological understanding to create ways forward in contexts that lack definition and where there are many complex, interacting factors.</p>	<p>Use advanced and specialised skills and techniques to conceptualise and address problematic situations that involve many complex, interacting factors.</p> <p>Formulate and use appropriate</p>

<p>Critically analyses, interprets and evaluates complex information, concepts and theories to produce new knowledge and theories.</p> <p>Understands and reconceptualises the wider contexts in which the field of knowledge or work is located.</p> <p>Extends a field of knowledge or work by contributing original knowledge and thinking.</p> <p>Exercises critical understanding of different theoretical and methodological perspectives and how they affect the field of knowledge or work.</p>	<p>methodologies and approaches.</p> <p>Initiate, design and undertake research, development or strategic activities that extend or produce significant change in the field of work or study.</p> <p>Critically evaluate actions, methods and results and their short and long-term implications for the field of work or knowledge and its wider context.</p>
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Guidance on level and level descriptors

Condition E9.3(c) allows us to specify guidance to which an awarding organisation must have regard when assigning –

- (a) a level to a qualification;
- (b) more than one level to a qualification; and
- (c) a level to a Component of a qualification.

We set out our guidance for the purposes of Condition E9.3(c) below.

Who can use the level descriptors?

The level descriptors must be used by awarding organisations when they are assigning a level to a qualification and a Component of a qualification. Level descriptors can also be used by:

- students and other users – to understand and interpret the level of qualifications;
- anyone who wants to understand more about the difference between and relative demand of qualifications at different levels.

How should awarding organisations use the level descriptors?

Awarding organisations should look at the range of level descriptors and identify the descriptor, or whether the qualification will have more than one level, the descriptors, which provides the best match with the intended knowledge and skills outcomes for their qualification. Once the awarding organisation has designed the qualification, they could look at the descriptor for the level above and below the proposed level for the qualification and compare the knowledge and skills descriptors for each level with the knowledge, skills and understanding which the holder of the qualification is expected to demonstrate. The fit does not have to be perfect; qualifications might naturally have a more knowledge- or skills-based focus and so will be a better fit with the knowledge or skills descriptor as appropriate.

Awarding organisations can also look at a range of other material to support the selection of the most appropriate level for their qualification including other qualifications at a range of levels, benchmark and content statements and agreed industry statements.

Awarding organisations and users should not expect all qualifications to meet the relevant level descriptor in full. It would not be unusual for smaller qualifications to cover only some of the characteristics set out in the descriptor whereas bigger

qualifications, typically taken over a longer period, are more likely to feature more of the characteristics. The descriptors set out what the typical holder of a qualification at that level will know and be able to do based on the best-fit approach described above.

Awarding organisations and users should not expect all of a qualification's content and assessment to be at the level the learner is expected to reach on conclusion of the qualification. This will be particularly true of qualifications delivered over a longer period and which are designed to enable the learner to progress from one level to another within the qualification. In assigning a level to a qualification the awarding organisation should have regard to the amount of content and assessment at the level of the qualification and to the learner's increased ability as the learner approaches the end of the qualification.

How will Ofqual use the descriptors?

We will use the descriptors to inform our review process, particularly when we are exploring how awarding organisations check and verify the given level of their qualification with these descriptors for that level.

Size

- 5.6 At paragraphs 2.25 to 2.34 we set out our proposals for how the size of a qualification should be described. We are proposing a new Condition E7 to give effect to our requirements for all awarding organisations to describe the size of their qualifications using TQT, supported by TQT Criteria and guidance.
- 5.7 We are also proposing Criteria for Determining Relevance for the purposes of the Education and Skills Act 2008.

Proposed new Condition of Recognition E7 –Total Qualification Time

Condition E7 Total Qualification Time

- E7.1 In respect of each qualification which it makes available or proposes to make available, an awarding organisation must assign to that qualification a number of hours for –
- (a) Guided Learning,
 - (b) Directed Learning, and
 - (c) Invigilated Assessment,
- E7.2 An awarding organisation must, in assigning to a qualification a number of hours in respect of each element of the Total Qualification Time, apply the TQT Criteria.
- E7.3 An awarding organisation must –
- (a) keep under review the number of hours it has assigned to each qualification in respect of each element of the Total Qualification Time,
 - (b) in particular review that number of hours assigned following any revision by Ofqual to the TQT Criteria, and
 - (c) revise that number of hours if appropriate.
- E7.4 Following any review by Ofqual of the number of hours assigned to a qualification in respect of any element of the Total Qualification Time, an awarding organisation must revise that number in any manner required by Ofqual.

Application

E7.5 Conditions E7.1 to E7.4 shall not apply to an awarding organisation until such date as is specified in, or determined under, any notice in writing issued by Ofqual to the awarding organisation under this paragraph.

E7.6 Any such notice issued by Ofqual may be –

- (a) subject to any conditions that Ofqual specifies (which may include conditions placing requirements on an awarding organisation as to its conduct prior to the date specified in or determined under it),
- (b) issued to an individual awarding organisation or to any group of awarding organisations,
- (c) varied by Ofqual at any time prior to the date specified in or determined under it.

E7.7 Where Ofqual makes such a notice subject to conditions, an awarding organisation to which the notice is issued must comply with any requirements that are imposed on it in accordance with those conditions.

Interpretation

For the purposes of this Condition references to a ‘qualification’ are references to the qualification as a whole and not to individual units.

Proposed Total Qualification Time Criteria

1 Introduction

About these criteria

- 1.1 These criteria are set and published by Ofqual under section 146(1)(b) of the Apprenticeships, Skills, Children and Learning Act 2009 (‘the 2009 Act’) and Condition E7 of the General Conditions of Recognition.
- 1.2 The criteria set out in this document apply to all awarding organisations in respect of all qualifications regulated by Ofqual.
- 1.3 In order to meet the requirements of section 145 of the 2009 Act with respect to a qualification which it makes available, or proposes to make available, an awarding organisation must:
 - (a) determine whether that qualification is a relevant qualification for the

purposes of the Education and Skills Act 2008 ('the 2008 Act'),²⁰ and

- (b) if it is relevant, determine a number of hours for Guided Learning²¹ to be assigned to that qualification.

1.4 The criteria which an awarding organisation must apply in making a determination in paragraph 1.3(a) are contained in Ofqual's *Criteria for determining whether a qualification is relevant for the purposes of the Education and Skills Act 2008*.²²

1.5 Condition E7.1(a) requires an awarding organisation to assign a number of hours for Guided Learning to each qualification which it makes available or proposes to make available.

1.6 Section 145(5) of the 2009 Act (where a qualification is relevant for 2008 Act purposes) and Condition E7.2 require an awarding organisation to apply the criteria in this document when assigning a number of hours for Guided Learning to a qualification.

1.7 In addition, Conditions E7.1(b) and (c) require an awarding organisation to also assign a number of hours for Directed Learning and Invigilated Assessment to each qualification which it makes available or proposes to make available.

1.8 Condition E7.2 requires an awarding organisation to apply the criteria set out in this document when assigning a number of hours for Directed Learning and Invigilated Assessment to a qualification.

1.9 The rest of the criteria are structured as follows:

- (a) Section 2 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Guided Learning to assign to a qualification.
- (b) Section 3 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Directed Learning to assign to a

²⁰ Under Condition E6.14(c) and section 145(9) of the 2009 Act, a qualification will be relevant for 2008 Act purposes if there are, or may reasonably be expected to be, persons seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the 2008 Act (the duty to participate in education or training).

²¹ Terms in this document should be interpreted in line with General Condition J1, apart from references to a 'qualification' which, under Condition E6.14(a), are references to a qualification as a whole and not to individual units.

²² See page 52.

qualification.

- (c) Section 4 sets out the criteria to be applied by an awarding organisation in determining a number of hours for Invigilated Assessment to assign to a qualification.

2 Criteria for assigning to a qualification a number of hours for Guided Learning

- 2.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under section 145(3)(b) of the 2009 Act and Condition E7.1(a), a number of hours for Guided Learning to assign to a qualification.
- 2.2 An awarding organisation must determine the number of hours for Guided Learning to be assigned to a qualification which it proposes to make available applying the criteria in paragraphs 2.5 to 2.8, as relevant.
- 2.3 An awarding organisation must determine the number of hours for Guided Learning to be assigned to a qualification which it already makes available applying the criterion in paragraph 2.9.
- 2.4 In all cases an awarding organisation must comply with the criteria in paragraphs 2.10 to 2.13, as relevant.

The criteria

Qualifications which an awarding organisation proposes to make available

- 2.5 Where all or part of the Guided Learning in respect of a qualification will be provided by an awarding organisation, the awarding organisation must:
 - (a) where the awarding organisation provides Guided Learning in respect of one or more qualifications which are similar to the qualification for which the determination is being made ('Similar Qualifications'), calculate the number of hours of Guided Learning provided by the awarding organisation to a Learner in respect of each Similar Qualification, or
 - (b) where paragraph 2.5(a) does not apply, estimate the number of hours of Guided Learning which the awarding organisation is likely to provide to a Learner in respect of the qualification.
- 2.6 In arriving at any estimate under paragraph 2.5(b), an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record

Service.

2.7 Where all or part of the Guided Learning in respect of a qualification will be provided by one or more Centres and/or third parties, an awarding organisation must:

- (a) where Guided Learning in respect of a Similar Qualification is provided by one or more Centres and/or third parties, gather statements from a reasonable number of those Centres and third parties of the number of hours of Guided Learning which they provide to a Learner in respect of each Similar Qualification (whether made available by the awarding organisation or other awarding organisations), or
- (b) where paragraph 2.7(a) does not apply, gather estimates from a reasonable number of Centres and/or third parties of the number of hours of Guided Learning which they would be likely to provide to a Learner in respect of the qualification.

2.8 When assigning a number of hours for Guided Learning to a qualification an awarding organisation must have due regard to:

- (a) any numbers calculated under paragraph 2.5(a) or any estimate arrived at under paragraph 2.5(b),
- (b) any numbers gathered under paragraph 2.7(a) or any estimates gathered under paragraph 2.7(b), and
- (c) in relation to any numbers gathered under paragraph 2.7(a) and any estimates gathered under paragraph 2.7(b), any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.

Qualifications which an awarding organisation already makes available

2.9 In respect of a qualification which it makes available, an awarding organisation must:

- (a) calculate the number of hours of Guided Learning which it provides to a Learner in respect of the qualification,
- (b) where any Guided Learning in respect of the qualification is provided by one or more Centres and/or third parties, gather statements from a reasonable number of those Centres and third parties in regard to the number of hours of such Guided Learning which those Centres and/or third

parties provide to a Learner, and

- (c) assign a number of hours for Guided Learning to the qualification having due regard to the number calculated under paragraph 2.9(a) and the numbers gathered under paragraph 2.9(b).

Recording a determination

2.10 Where –

- (a) a qualification contains a choice of optional routes, two or more of which are relevant for 2008 Act purposes, and
- (b) those optional routes which have differing numbers of hours for Guided Learning,

the awarding organisation must assign the lowest number of those hours to that qualification.

2.11 Where –

- (a) a qualification contains a choice of optional routes, none of which are relevant for 2008 Act purposes, and
- (b) those optional routes which have differing numbers of hours for Guided Learning,

the awarding organisation must assign the lowest number of those hours to that qualification.

2.12 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraphs 2.5(a), 2.6, 2.7, 2.8(c), and 2.9(b) for so long as it continues to offer the qualification.

2.13 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all supporting evidence which it has retained under paragraph 2.12.

3 Criteria for assigning to a qualification a number of hours for Directed Learning

3.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under Condition E7.1(b), a number of hours for Directed Learning to assign to a qualification.

3.2 An awarding organisation must determine the number of hours for Directed

Learning to be assigned to a qualification which it proposes to make available applying the criteria in paragraphs 3.5 to 3.9, as relevant.

3.3 An awarding organisation must determine the number of hours for Directed Learning to be assigned to a qualification which it already makes available applying the criteria in paragraphs 3.10 to 3.13, as relevant.

3.4 In all cases an awarding organisation must comply with the criteria in paragraphs 3.14 to 3.16.

The criteria

Qualifications which an awarding organisation proposes to make available

3.5 Where an awarding organisation provides Guided Learning to Learners in respect of a Similar Qualification, the awarding organisation must estimate the number of hours of Directed Learning which an average Learner is likely to undertake in respect of each Similar Qualification.

3.6 Where Guided Learning is provided by one or more Centres and/or third parties in respect of a Similar Qualification, an awarding organisation must gather estimates from a reasonable number of those Centres and third parties of the number of hours of Directed Learning which an average Learner is likely to undertake in respect of each Similar Qualification.

3.7 Where neither paragraph 3.5 nor 3.6 applies, an awarding organisation must estimate the number of hours of Directed Learning which it considers an average Learner is likely to undertake in respect of the qualification.

3.8 In arriving at any estimate under paragraph 3.7 an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.

3.9 When assigning a number of hours for Directed Learning to a qualification which it proposes to make available an awarding organisation must have due regard to:

- (a) any estimates gathered under paragraphs 3.5 and 3.6,
- (b) in relation to those estimates under paragraphs 3.5 and 3.6, any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service, and

- (c) any estimate arrived at under paragraph 3.7.

Qualifications which an awarding organisation already makes available

- 3.10 Where all or part of the Guided Learning in respect of a qualification is provided by an awarding organisation, the awarding organisation must estimate the number of hours of Directed Learning which it considers that typical Learners are likely to undertake in respect of the qualification.
- 3.11 In arriving at any estimate under paragraph 3.10 an awarding organisation must have due regard to any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.
- 3.12 Where all or part of the Guided Learning in respect of a qualification is provided by one of more Centres and/or third parties, an awarding organisation must gather estimates from a reasonable number of those Centres and third parties of the number of hours of Directed Learning they consider to be undertaken by typical Learners in respect of the qualification.
- 3.13 When assigning a number of hours for Directed Learning to a qualification which it makes available an awarding organisation must have due regard to:
- (a) any estimate arrived at under paragraph 3.10,
 - (b) any estimates gathered under paragraph 3.12, and
 - (c) in relation to those estimates under paragraphs 3.12, any relevant information which is reasonably available to the awarding organisation, including information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service.

Recording a determination

- 3.14 Where a qualification contains a choice of optional routes which have differing numbers of hours for Directed Learning, an awarding organisation must assign the lowest number of those hours to that qualification.
- 3.15 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraphs 3.6, 3.8, 3.9(b), 3.11, 3.12 and 3.13(c) for so long as it continues to offer the qualification.
- 3.16 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all

supporting evidence which it has retained under paragraph 3.15.

4 Criteria for assigning to a qualification a number of hours for Invigilated Assessment

- 4.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under Condition E7.1(c), a number of hours for Invigilated Assessment to assign to a qualification.
- 4.2 An awarding organisation must determine the number of hours for Invigilated Assessment to be assigned to a qualification applying the criteria in paragraph 4.4, as relevant.
- 4.3 In all cases an awarding organisation must comply with the criteria in paragraphs 4.5 to 4.7.

The criteria

- 4.4 When assigning a number of hours for Invigilated Assessment to a qualification an awarding organisation must have due regard to:
- (a) where the qualification is one which the awarding organisation already makes available, the number of hours of Invigilated Assessment undertaken by a Learner in respect of the qualification,
 - (b) where the qualification is one which the awarding organisation proposes to make available and a Similar Qualification exists, the number of hours of Invigilated Assessment undertaken by a Learner in respect of each such Similar Qualification, and
 - (c) in all cases, any other relevant information which is reasonably available to the awarding organisation including:
 - i information from Users of Similar Qualifications and organisations with relevant expertise including employer organisations, funding agencies, inspectorates and the Learning Record Service,
 - ii information from relevant subject or assessment experts,
 - iii any professional or regulatory requirements with which the qualification is intended to comply (including, but not limited to, Ofqual's requirements), and
 - iv any requirement which the awarding organisation sets in respect of the time to be spent by a Learner in taking any portion of the Invigilated Assessments for the qualification.

Recording a determination

- 4.5 Where a qualification contains a choice of optional routes which have differing numbers of hours for Invigilated Assessment, an awarding organisation must assign the lowest number of those hours to that qualification.
- 4.6 An awarding organisation must record its determination, together with the reasons for it, and retain all supporting evidence gathered under paragraph 4.4 for so long as it continues to offer the qualification.
- 4.7 An awarding organisation must ensure that it is capable of providing a reasoned justification for its determination to Ofqual on request, together with all supporting evidence which it has retained under paragraph 4.6.

Proposed guidance on Condition E7 – Total Qualification Time

Guidance on Condition E7 – Total Qualification Time

TQT values are calculated by considering the different activities that typical Learners²³ would complete to achieve the learning outcomes. These activities are those set out in the qualification's specification. They do not include activities in addition to the specification which are required by a Learner's Teacher based on the requirements of an individual Learner and/or cohort. Individual learners' requirements and individual teaching styles mean there will be variation in the actual time taken to complete a qualification. TQT values are estimates.

Some examples of activities included within Total Qualification Time values:

Guided Learning Hours:

- Classroom-based learning supervised by a Teacher
- Work-based learning supervised by a Teacher
- Assessment under the direction of a Teacher, where the assessment is competence-based and may be turned into a learning opportunity
- Live webinar or telephone tutorial with a Teacher in real time
- E-learning activities supervised by a Teacher in real time

Directed Learning Hours:

- Independent and unsupervised research/learning
- Unsupervised compilation of a portfolio of work experience
- Unsupervised e-learning activities
- Unsupervised e-assessment activities
- Unsupervised coursework
- Watching a pre-recorded podcast or webinar
- Unsupervised work-based learning activities

Invigilated Assessment Hours:

- All forms of assessment subject to Invigilation, typically time-bound. The

²³ In this document, the terms 'Learner', 'Teacher', 'Assessor' and 'Invigilation' have the meaning given to them in general Condition J1 (Interpretation and Definitions)

Assessor may also act as the Invigilator.

Examples of 'positive indicators' that would suggest an awarding organisation is likely to comply

The awarding organisation:

- has TQT values for its qualifications that are broadly in line with comparable qualifications;
- considers and responds to the views of potential Users of the qualifications on the proposed Total Qualification Time and builds into its qualification development process the time to do so;
- has and retains evidence of support from informed potential and/or existing Users of the qualifications about the estimated Total Qualification Time;
- gathers, considers and responds to the views of existing Users of the qualifications to review the Total Qualification Time and builds into its arrangements for the review of its qualifications the time and resources to do so;
- can explain its decision about the Total Qualification Time required for the qualification, with reference to the available evidence and the intended cohort for the qualification;
- gathers and considers evidence of the actual time it typically took the first cohort of learners to complete the qualification and revises the number of hours of Guided Learning, Directed Learning and/or Invigilated Assessment if appropriate.

Examples of 'negative indicators' that would suggest an awarding organisation is not likely to comply

The awarding organisation:

- does not review its approach to calculating TQT following complaints or in response to negative feedback about its approach and the TQT it has associated with a qualification;
- disregards feedback and evidence from Users of qualifications about the Total Qualification Time required;
- has Total Qualification Time for a qualification that is not comparable with similar qualifications and lacks evidence to support the difference in values.

Examples of Total Qualification Time

Qualification	Activity	TQT Component
GCSE Mathematics	'Classroom teaching	Guided Learning Hours
	Invigilated examinations	Invigilated Assessment Hours
A level History	Classroom teaching	Guided Learning Hours
	Historical investigation <i>Student carries out independent research and produces report without supervision.</i>	Directed Learning Hours
	Invigilated examinations	Invigilated Assessment Hours
Tennis Coaching	Classroom-based induction to qualification (as required in specification) Classroom teaching Court/pitch sessions directly supervised by tutor	Guided Learning Hours
	Coaching skills practice at club/school <i>Student responsible for generating own evidence of practice for example statement confirming attendance from suitable attendant adult, generally not tutor.</i>	Directed Learning Hours
	Final practical coaching session carried out in simulated conditions (that is, student delivers coaching session to either non-student participants or fellow students). <i>Student is observed and assessed at the same time as the coaching session is taking place.</i>	Invigilated Assessment Hours

Fitness instructor	<p>Face-to-face meetings with tutor or other pre-arranged 1:1 teaching session (for example telephone/webcam contact, internet messaging i.e. online conversation in real time)</p> <p>Work-based practice (competence-based, formative assessment). <i>Observed by employer, tutor or other witness more qualified than the student. Observer assesses student's competence in health and safety, setting up equipment, behaviour with clients, circuit training skills and so on. Student may be assessed at any time.</i></p>	Guided Learning Hours
	<p>Portfolio assessment <i>Student collates evidence of competence and understanding of policies and so on. Unsupervised activity.</i></p> <p>E-assessments <i>E-assessment of knowledge/understanding e.g. knowledge/understanding of anatomy. Student is unsupervised and can access online e-assessment at any time.</i></p>	Directed Learning Hours
Level 4 Counselling (placement unit)	<p>Placement agreement <i>Student researches and finds own placement/s, including contacting centre, agreeing structure of placement and so on.</i></p> <p>Practical sessions <i>Unsupervised counselling sessions with adult clients</i></p> <p>Work portfolio/log <i>Reflective activities by unsupervised student, resulting in portfolio of work experience and so on for assessment</i></p>	Directed Learning Hours
	Supervised practical sessions	Guided Learning Hours

	<i>Tutor observes counselling session, provides feedback and discusses problems/issues/best practice with student.</i>	
Multi-maintenance for beginners	Workplace induction (required in specification) <i>Teaching in classroom environment and 'Toolbox talks' i.e. direct tutoring in workplace. Includes health and safety, first aid, safety in workplace and so on.</i> Supervised work <i>Student works under supervision of employer/direct supervisor</i>	Guided Learning Hours
	Unsupervised work <i>Student works independently and completes work diary (factual record of tasks carried out on that day).</i>	Directed Learning Hours
	Final assessment <i>On-demand test with multiple-choice questions. Student is supervised by employer/direct supervisor during the assessment.</i>	Invigilated Assessment Hours
Level 6 Finance	Financial plan <i>Student works independently and unsupervised to produce financial plan which is assessed externally. No formal tuition provided.</i>	Directed Learning Hours

Proposed Criteria for determining whether a qualification is relevant for the purposes of the Education and Skills Act 2008

Criteria for determining whether a qualification is relevant for the purposes of the Education and Skills Act 2008

1 Introduction

About these criteria

- 1.1 These criteria are set and published by Ofqual under section 146(1)(a) of the Apprenticeships, Skills, Children and Learning Act 2009 ('the 2009 Act').
- 1.2 In order to meet the requirements of section 145 of the 2009 Act with respect to a regulated qualification, an awarding organisation must:
 - (a) determine whether that qualification is a relevant qualification for the purposes of the Education and Skills Act 2008 ('the 2008 Act'),²⁴ and
 - (b) if it is relevant, determine a number of hours for guided learning²⁵ to be assigned to that qualification.
- 1.3 Section 145(5)(a) of the 2009 Act requires an awarding organisation to apply the criteria in this document when making the determination in paragraph 1.2(a).
- 1.4 The criteria which an awarding organisation must apply in making a determination in paragraph 1.2(b) are contained in Ofqual's Total Qualification Time Criteria.²⁶

2 Criteria for determining whether a qualification is relevant for 2008 Act purposes

- 2.1 This section sets out the criteria that must be applied by an awarding organisation in determining, under sections 145(2) and (3)(a) of the 2009 Act, whether each of its qualifications is relevant for 2008 Act purposes.

²⁴ Under section 145(9) of the 2009 Act, a qualification will be relevant for 2008 Act purposes if there are, or may reasonably be expected to be, persons seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the 2008 Act (the duty to participate in education or training).

²⁵ Under section 145(10) of the 2009 Act, a 'number of hours for guided learning' in relation to a form of a qualification, means a number of notional hours representing an estimate of the amount of actual guided learning which could reasonably be expected to be required in order for persons to achieve the standard required to obtain that form of the qualification.

²⁶ See page 38

2.2 In making such a determination, an awarding organisation must apply each of the criteria in paragraphs 2.3 to 2.7.

The criteria

Information gathering

2.3 An awarding organisation must take reasonable steps to ascertain whether any Learner is, or may reasonably be expected to be, seeking to obtain the qualification for the purposes of discharging the duty under section 2(1)(c) of the 2008 Act (the duty to participate in education or training).

2.4 In particular, an awarding organisation must take reasonable steps to ascertain whether any of the factors listed in paragraphs 2.4 and 2.5 apply to a qualification.

Relevant factors

2.5 A qualification is likely to be relevant for 2008 purposes if a Learner aged 16 or 17 years old:

- (a) has previously taken the qualification while at the same time being in full-time occupation,²⁷ or
- (b) is, at the time of the determination, participating in training or education towards the qualification, provided by a course or courses, while at the same time being in full-time occupation.

2.6 A qualification is unlikely to be relevant for 2008 Act purposes if:

- (a) the qualification requires the use or demonstration of skills where the use of such skills by a person under the age of 18 years old would be undesirable for health and safety reasons,
- (b) for any other reason the awarding organisation will not accept registration for the qualification by a person under the age of 18 years old,
- (c) the size of the qualification is such that it would be difficult for a Learner to take that qualification while at the same time being in full-time

²⁷ The term 'full-time occupation' is defined in section 5 of the 2008 Act as working for 20 hours or more per week under a contract of employment or in any other way which may be prescribed in regulations. At the date of publication of this document, alternative ways of working which have been prescribed by regulations are working (i) as a self-employed person, (ii) otherwise than for reward, and (iii) as the holder of an office (Duty to Participate in Education or Training (Alternative Ways of Working) Regulations 2013).

occupation,

- (d) the qualification requires prior achievement (such as the completion of another qualification or work experience) that a Learner under the age of 18 years old is unlikely to have, or
- (e) the qualification is at a higher level than GCE A level or equivalent.

Making a determination

2.7 In determining whether a qualification is relevant for 2008 Act purposes, an awarding organisation must have due regard to all of the relevant information available to it and any applicable factors in paragraphs 2.4 and 2.5.

Changes to specification requirements

- 5.7 We require awarding organisations to publish a specification for each of their qualifications. The specification sets out important information about a qualification. We propose amendments to General Condition E3 to require awarding organisations to include information about the level and size of their qualifications in their specifications as well as information about credit, where relevant. To allow awarding organisations enough time to prepare for and make these changes, we will issue a notice when we require them to take effect.

Proposed addition to General Condition E3

Condition E3 Publication of a qualification specification

E3.2 An awarding organisation must ensure that the specification for a qualification sets out –

[...]

- (k) where the awarding organisation is required to make such an assignment under General Condition E7 (*Total Qualification Time*), the number of hours which it has assigned to that qualification in respect of each element of Total Qualification Time,
- (l) any value for credit which it has assigned to that qualification and any Component of that qualification, and
- (m) the level or levels which it has assigned to that qualification and any Component of that qualification.

Amendments to the specification

E3.4 An awarding organisation must promptly amend the specification for a qualification following any revision by it of –

- (a) the number of hours which it has assigned in respect of any element of Total Qualification Time,
- (b) the level or levels which it has assigned to that qualification or any Component of that Qualification, or
- (c) any value for credit which it has assigned to that qualification or any Component of that qualification.

E3.5 Where an awarding organisation has amended the specification for a qualification it must publish that specification as amended.

Application

E3.6 Conditions E3.2(l), E3.2(m), E3.4 and E3.5 shall not apply to an awarding organisation until such date as is specified in, or determined under, any notice in writing issued by Ofqual to the awarding organisation under this paragraph.

E3.7 Any such notice issued by Ofqual may be –

- (a) subject to any conditions that Ofqual specifies (which may include conditions placing requirements on an awarding organisation as to its conduct prior to the date specified in or determined under it),
- (b) issued to an individual awarding organisation or to any group of awarding organisations,
- (c) varied by Ofqual at any time prior to the date specified in or determined under it.

Where Ofqual makes such a notice subject to conditions, an awarding organisation to which the notice is issued must comply with any requirements that are imposed on it in accordance with those conditions.

Credit

- 5.8 At paragraphs 2.35 to 2.37 we set out our proposals for credit, where an awarding organisation proposes to attribute a credit value to its qualification. We will no longer require any particular qualification to have a credit value but where an awarding organisation chooses to assign credit to a qualification, it is important that there continues to be a consistent approach to the calculation of credit.
- 5.9 Arising out of our consultation on GLH in 2014²⁸ we are also proposing to clarify the way in which credit will be calculated with respect to qualifications as a whole to make clear that it includes all assessment time.

Proposed new General Condition E8

Condition E8 Credit

- E8.1 An awarding organisation may assign a value for credit to a qualification, or a Component of a qualification, which it makes available or proposes to make available.
- E8.2 Where an awarding organisation assigns a value for credit to a qualification, that value must be equal to one tenth of the Total Qualification Time assigned to that qualification.
- E8.3 Where an awarding organisation makes any revision to the number of hours which it has assigned to a qualification in respect of any element of Total Qualification Time, it must –
- (a) review each value for credit which it has assigned to that qualification, and any Component of that qualification, and
 - (b) revise that value if appropriate.

²⁸ www.gov.uk/government/consultations/guided-learning-hours

Titling

5.10 At paragraphs 2.41 to 2.52 of this consultation we set out our proposals on titling. We propose to amend Condition E2 to require an awarding organisation to amend the title of a qualification when it changes the level. We have also proposed guidance on titling to assist with the words that can be used to in qualification titles and the circumstances in which a qualification can be labelled as an NVQ.

Proposed addition to General Condition E2

Condition E2 Requirements on qualification titling

E2.5 An awarding organisation must ensure that it amends the title on the Register for a qualification which it makes available when it makes any revision to a level assigned to that qualification.

Guidance on titling

When an awarding organisation is giving a title to a qualification we would expect it to have regard to the guidance set out below.

Positive indicators:

The title of a qualification includes:

- the name of the awarding organisation in full or in abbreviated form if the abbreviated form is widely used and recognised;
- the level of the qualification which has been determined by reference to the level descriptors in accordance with the requirements referred to in Condition E9.3;
- NVQ only for a qualification that is based on recognised occupational standards, confers occupational competence and requires work-based assessment and/or assessment in an environment that simulates the work place;
- the use of the terms 'award' 'certificate' 'diploma' only to indicate a small, medium or large sized qualification where a small qualification is one that has a TQT in the region of 1-120, medium is one with a TQT value in the region of

121-369 and large is one with a TQT value of 370 or more;

- an evidence based estimated measure of size calculated using the TQT criteria.

Negative indicators:

The title of a qualification includes:

- terms that are misleading or cannot be justified, for example:
 - terms associated with higher education qualifications that are referenced to the Framework for Higher Education Qualifications such as Honours, Masters, Graduate and Postgraduate;
- terms that cannot be justified such as 'higher', 'extended' or 'advanced' when the qualification is not provided as a progression route from another qualification;
- subjective statements about the qualification which may be misleading;
- the term 'QCF' after 31 December 2017.

Recognition of prior learning

5.11 At paragraphs 5.1 to 5.2 we set out our proposals for the recognition of prior learning. We are proposing a new condition, supported by guidance, to give effect to these proposals.

Proposed new General Condition E10

Condition E10 Recognition of Prior Learning

E10.1 Where an awarding organisation has in place a process for the recognition of prior learning it must –

- (a) ensure that the process which it has in place enables the awarding organisation to award qualifications in accordance with its Conditions of Recognition,
- (b) publish that process, and
- (c) comply with that process.

E10.2 For the purposes of this Condition, ‘recognition of prior learning’ is the –

- (a) identification by an awarding organisation of any learning undertaken, and/or attainment, by a Learner –
 - i prior to that Learner taking a qualification which the awarding organisation makes available or proposes to make available, and
 - ii which is relevant to the knowledge, skills and understanding which will be assessed as part of that qualification, and
- (b) recognition by an awarding organisation of that learning and/or attainment through amendment to the requirements which a Learner must have satisfied before the Learner will be assessed or that qualification will be awarded.

Guidance on the Recognition of Prior Learning

Where an awarding organisation proposes to recognise prior learning (RPL) it must have a published process. The published document should:

- be open, transparent and clear to learners and users,
- set out the evidence of prior learning that will be required by the awarding organisation,
- set out the various stages to be followed in considering an application for RPL and the timelines to be followed at each stage,
- set out the criteria which will be used when making a decision about the appropriateness of RPL,
- identify the range of possible outcomes to a successful application for RPL, and
- set out a complaints process.

Additionally the process should:

- be carried out by staff who are competent to consider and make decisions about RPL and
- be regularly reviewed.

An awarding organisation which awards a qualification to a learner who has made a successful application for RPL should ensure that the qualification is a valid and reliable indication of the learner's knowledge, skills and understanding.

Definitions

5.12 To assist with understanding and interpreting our new conditions, guidance and criteria, we propose a number of new defined terms. These are all new terms which appear throughout the draft conditions and other regulatory documents.

Proposed additions to General Condition J1

Condition J1 Interpretation and Definitions

The following additional definitions are to be inserted in the appropriate alphabetical location within Condition J1.

Component

A discrete part of a qualification which –

- (a) focuses on specific areas of the knowledge, skills and understanding assessed for the qualification, and
- (b) has a specific set of criteria against which Learners' performance will be differentiated.

Directed Learning

The activity of a Learner in preparation, study or any other form of participation in education or training which takes place as directed by – but not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.

For these purposes the activity of 'participating in education or training' shall be treated as including the activity of being assessed if the assessment is not subject to Invigilation and takes place as directed by – but not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.

Guided Learning

The activity of a Learner in being taught or instructed by – or otherwise participating in education or training under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.

For these purposes the activity of 'participating in education or training' shall be treated as including the activity of being assessed if the assessment takes place with the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

Immediate Guidance or Supervision

The guidance or supervision provided to a Learner by a lecturer, supervisor, tutor or other appropriate provider of education or training –

- (a) with the simultaneous physical presence of the Learner and that person, or
- (b) remotely by means of simultaneous electronic communication.

For these purposes, the activity of Invigilation is not to be regarded as a form of guidance or supervision.

Invigilated Assessment

The participation of a Learner in the activity of being assessed for a qualification, where the assessment is subject to Invigilation but takes place without the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.

Invigilation

The supervision by an appropriate person of Learners who are participating in the activity of being assessed for a qualification, where such supervision involves neither any teaching nor the giving of any guidance or direction beyond that which is necessary to convey instructions for the carrying out of the assessment or otherwise for the effective management of the assessment activity.²⁹

Total Qualification Time

The number of notional hours which represents an estimate of the total amount of time that could reasonably be expected to be required, in order for a Learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification, in undertaking each of the activities of Guided Learning, Directed Learning and Invigilated Assessment.

Total Qualification Time Criteria (or ‘TQT Criteria’)

The TQT Criteria are criteria that are set and published by Ofqual for (i) the purposes set out at section 146(1)(b) of the Act, and (ii) the purpose of determining the number of hours of Directed Learning and Invigilated Assessment that should be assigned to a qualification by an awarding organisation. The TQT Criteria may be set out in more than one document.

²⁹ Our definition of invigilation does not permit electronic invigilation where a student’s identity is verified by a computer; for example by assessing key-stroke style or retina scanning. It can include where the students are filmed and the footage is simultaneously viewed by the invigilator. However, if the footage is viewed after the assessment, this would not be invigilation.

Appendix 1 QCF and EQF level descriptors

The following tables set out the knowledge and skills descriptors used within the Qualifications and Credit Framework (QCF) and the European Qualifications Framework (EQF). They have been produced to enable comparison with the proposed new descriptors for the Framework of Regulated Qualifications.

The tables map the EQF level descriptors and the QCF levels descriptors. There is no reference to the National Qualifications Framework (NQF); the NQF levels (and by implication the level descriptors) are the same as those within the QCF.

Notes:

The EQF has eight levels; the QCF has Entry level (with three sub-levels) and levels 1-8. The tables below have been configured to show how the levels of the EQF and QCF align.

The EQF and QCF both have three categories. The EQF has categories for knowledge (technical and/or factual), skills (cognitive and practical) and competences (responsibility and autonomy). The QCF has categories for knowledge and understanding, application and action, and autonomy and accountability. We are proposing that the level descriptors for the Framework of Regulated Qualifications will have categories for knowledge and skills and so the following tables reproduce the EQF and QCF descriptors for these two categories.

Level descriptors - Knowledge and Understanding

For the EQF the relevant category is: Knowledge

For the QCF the relevant category is: Knowledge and understanding

EQF Level	EQF	QCF Level	QCF
N/A	N/A	Entry 1	Entry 1 recognises progress along a continuum that ranges from the most elementary of achievements to beginning to make use of skills, knowledge or understanding that relate to the immediate environment.
N/A	N/A	Entry 2	Use knowledge or understanding to carry out simple, familiar activities.

			Know the steps needed to complete simple activities.
1	Basic general knowledge	Entry 3	Use knowledge or understanding to carry out structured tasks and activities in familiar contexts. Know and understand the steps needed to complete structured tasks and activities in familiar contexts.
2	Basic factual knowledge of a field of work or study.	1	Use knowledge of facts, procedures and ideas to complete well-defined routine tasks. Be aware of information relevant to the area of study or work.
3	Knowledge of facts, principles and processes and general concepts in a field of work or study.	2	Use understanding of facts, procedures and ideas to complete well-defined tasks and address straight-forward problems. Interpret relevant information and ideas. Be aware of the types of information that are relevant to the area of study or work.
4	Factual and theoretical knowledge in broad contexts within a field of work or study.	3	Use factual, procedural and theoretical understanding to complete tasks that while well-defined, may be complex and non-routine. Interpret and evaluate relevant information and ideas. Be aware of the nature of the area of study or work. Have awareness of different perspectives or approaches within the area of study or work.
5	Comprehensive, specialised, factual and theoretical knowledge within a field of work or study and an awareness of the boundaries of that knowledge.	5/4	(Level 4) Use practical, theoretical or technical understanding to address problems that are well defined but complex and non-routine.

			<p>Analyse, interpret and evaluate relevant information and ideas. Be aware of the nature of approximate scope of the area of study or work. Have an informed awareness of different perspectives or approaches within the area of study or work.</p> <p>(Level 5) Use practical, theoretical or technological understanding to find ways forward in broadly defined, complex contexts. Analyse, interpret and evaluate relevant information, concepts and ideas. Be aware of the nature and scope of the area of study or work. Understand different perspectives, approaches or schools of thought and the reasoning behind them.</p>
6	Advanced knowledge of a field of work or study, involving a critical understanding of theories and principles.	6	<p>Refine and use practical, conceptual or technological understanding to create ways forward in contexts where there are many interacting factors. Critically analyse, interpret and evaluate complex information, concepts and ideas. Understand the context in which the area of study or work is located. Be aware of the current developments in the area of study or work. Understand different perspectives, approaches or schools of thought and the theories that underpin them.</p>
7	Highly specialised	7	Reformulate and use practical,

	<p>knowledge, some of which is at the forefront of knowledge in a field of work or study, as the basis for original thinking and/or research; critical awareness of knowledge issues in a field and at the interface between different fields.</p>		<p>conceptual or technological understanding to create ways forward in contexts where there are many interacting factors. Critically analyse, interpret, and evaluate complex information, concepts and theories to produce modified conceptions. Understand the wider contexts in which the area of study or work is located. Understand current developments in the area of study or work. Understand different theoretical and methodological perspectives and how they affect the area of study or work.</p>
8	<p>Knowledge at the most advanced frontier of a field of work or study and at the interface between fields.</p>	8	<p>Develop original practical, conceptual or technological understanding to create ways forward in contexts that lack definition and where there are many complex, interacting factors. Critically analyse, interpret and evaluate complex information, concepts and theories to produce new knowledge and theories. Understand and reconceptualise the wider contexts in which the field of knowledge or work is located. Extend a field of knowledge or work by contributing original knowledge and thinking. Exercise critical understanding of different theoretical and methodological perspectives and how they affect the field of knowledge or work.</p>

Level descriptors – skills

For the EQF the relevant category is: Skills

For the QCF the relevant category is: Application and action

EQF Level	EQF descriptors	QCF Level	QCF descriptors
N/A	N/A	Entry 1	Entry 1 recognises progress along a continuum that ranges from the most elementary of achievements to beginning to make use of skills, knowledge or understanding that relate to the immediate environment.
N/A	N/A	Entry 2	Carry out simple, familiar tasks and activities. Follow instructions or use rehearsed steps to complete tasks and activities.
1	Basic skills required to carry out simple tasks	Entry 3	Carry out structured tasks and activities in familiar contexts. Be aware of the consequences of actions for self and others.
2	Basic cognitive and practical skills required to use relevant information in order to carry out tasks and to solve routine problems using simple tools and rules	1	Complete well-defined routine tasks. Use relevant skills and procedures. Select and use relevant information. Identify whether actions have been effective.
3	A range of cognitive and practical skills required to accomplish tasks and solve problems by selecting and applying basic methods, tools, materials and information.	2	Complete well-defined, generally routine tasks and address straightforward problems. Select and use relevant skills and procedures. Identify, gather and use relevant information to inform actions. Identify how effective actions have been.
4	A range of cognitive and practical skills required to generate solutions to specific problems in a field of work or	3	Address problems that while well-defined, may be complex and non-routine. Identify, select and use

	study.		<p>appropriate skills, methods and procedures.</p> <p>Use appropriate investigation to inform actions.</p> <p>Review how effective methods and actions have been.</p>
5	A comprehensive range of cognitive and practical skills required to develop creation solutions to abstract problems.	5/4	<p>(Level 4)</p> <p>Address problems that are complex and non-routine while normally fairly well-defined. Identify, adapt and use appropriate investigation to inform actions.</p> <p>Review the effectiveness and appropriateness of methods, actions and results.</p> <p>(Level 5)</p> <p>Address broadly defined, complex problems. Determine, adapt and use appropriate methods and skills. Use relevant research or development to inform actions. Evaluate actions, methods and results.</p>
6	Advanced skills, demonstrating mastery and innovation, required to solve complex and unpredictable problems in a specialised field of work or study.	6	<p>Address problems that have limited definition and involve many interacting factors. Determine, refine, adapt and use appropriate methods and skills. Use and, where appropriate, design relevant research and development to inform actions. Evaluate actions, methods and results and their implications.</p>
7	Specialised problem-solving skills required in research and/or innovation in order to develop new knowledge and procedures and to integrate knowledge from different fields.	7	<p>Conceptualise and address problematic situations that involve many interacting factors. Determine and use appropriate methodologies and approaches. Design and undertake research, development or strategic</p>

			<p>activities to inform the area of work or study, or produce organisational or professional change.</p> <p>Critically evaluate actions, methods and results and their short and long-term implications.</p>
8	<p>The most advanced and specialised skills and techniques, including synthesis and evaluation, required to solve critical problems in research and/or innovation and to extend and redefine existing knowledge or professional practice.</p>	8	<p>Conceptualise and address problematic situations that involve many complex, interacting factors.</p> <p>Formulate and use appropriate methodologies and approaches.</p> <p>Initiate, design and undertake research, development or strategic activities that extend the field of work or knowledge or result in significant organisational or professional change.</p> <p>Critically evaluate actions, methods and results and their short and long-term implications for the field of work or knowledge and its wider context.</p>

6. Responding to the consultation

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Please answer all questions marked with a star*

Name*

Position*

Organisation name (if applicable)*

Address

Email

Telephone

Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

- Yes No

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

- Personal response (Please answer the question 'If you ticked 'personal views'...')
- Official response (Please answer the question 'Type of responding organisation')

If you ticked 'Personal views' 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 from an organisation/group", please respond accordingly:

Type of responding organisation*

- Awarding organisation
- Local authority
- School or college (please answer the question below)
- Academy chain
- Private training provider
- University or other higher education institution
- Employer
- Other representative or interest group (please answer the question 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?

Our newsletter or another one of our communications

Our website

Internet search

Other

May we contact you for further information?

Yes

No

Questions

Question 1

To what extent do you agree or disagree that awarding organisations should assign an appropriate level to their qualifications?

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

Please give reasons for your answer

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Question 2

To what extent do you agree or disagree that changing the level of a qualification would constitute a major change requiring an awarding organisation to notify us and others of the proposed change?

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

Please give reasons for your answer

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Question 3

To what extent do you agree or disagree that if an awarding organisation changes the level of a qualification it should be required to put in place, and comply with, a plan to protect the interests of learners.

provide clear and accurate information about the change to all relevant users of the qualification?

- () Strongly agree**
- () Agree**
- () Disagree**
- () Strongly disagree**
- () Neither agree nor disagree**

Please give reasons for your answer

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Question 4

To what extent do you agree or disagree that if an awarding organisation changes the level of a qualification it should provide clear and accurate information about the change to all relevant users of the qualification?

- () Strongly agree**
- () Agree**
- () Disagree**
- () Strongly disagree**
- () Neither agree nor disagree**

Please give reasons for your answer

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Question 5

We propose to have level descriptors for two categories: knowledge and skills. To what extent do you agree or disagree with this proposal?

- () Strongly agree**
- () Agree**
- () Disagree**
- () Strongly disagree**
- () Neither agree nor disagree**

Please give reasons for your answer

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Question 6

Are there any other categories for which you think we should have descriptors?

- Yes No

Please give reasons for your answer

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Question 7

To what extent do you agree or disagree that our proposed level descriptors reflect the requirements of a qualification at each level?

- Strongly agree
 Agree
 Disagree
 Strongly disagree
 Neither agree nor disagree

Please give reasons for your answer

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Question 8

Is there anything we could add to our proposed Requirements or guidance to help awarding organisations to use the level descriptors?

- Yes No

Please give reasons for your answer

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Question 9

We currently require qualification titles to include the level of the qualification. To what extent do you agree or disagree that we should retain this requirement?

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

Please give reasons for your answer

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Question 10

Do you have any comments about our proposed General Conditions?

Yes **No**

Which Conditions are clear and helpful? Why?

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Which Conditions do you feel need to be clearer? Why?

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Question 11

Do you have any comments about our proposed guidance?

- Yes No

Which sections are clear and helpful? Why?

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Which sections do you feel need to be clearer? Why?

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Question 12

To what extent do you think the draft RPA Criteria will help an awarding organisation determine whether a qualification is relevant for RPA purposes?

- Very helpful
 Helpful
 Unhelpful
 Very unhelpful
 Don't know / no opinion

Please give reasons for your answer

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Question 13

How helpful do you think the draft TQT Criteria and guidance will be when awarding organisations calculate the values for a qualification’s Guided Learning, Directed Learning and Invigilated Assessment?

- Very helpful
- Helpful
- Unhelpful
- Very unhelpful
- Don’t know / no opinion

Please give reasons for your answer

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Question 14

We originally proposed to describe: “The activity of a Learner in preparation, study or any other form of participation in education or training which takes place as directed by – but not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training” as “Directed Study”. In response to feedback we are considering

describing such activities as “Directed Learning”. Which of these descriptions would you prefer us to use?

Directed study

Directed learning

Please give reasons for your answer and suggest any alternatives you would favour

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Question 15

We originally proposed to describe: “The participation of a Learner in the activity of being assessed for a qualification, where the assessment is subject to Invigilation but takes place without the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training” as “Dedicated Assessment”. In response to feedback we are considering describing such activities as “Invigilated Assessments”. Which of these terms would you prefer us to use?

Dedicated assessment

Invigilated assessment

Please give reasons for your answer and suggest any alternatives you would favour

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Question 16

We have identified a number of ways in which our proposals may impact (positively or negatively) on persons who share a protected characteristic. Are there any other potential impacts we have not identified or any additional ways in which potential impacts could be mitigated?

Yes No

If yes, please provide them here:

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Question 17

Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?

Yes No

If yes, please comment here on the additional steps we could take to mitigate negative impacts:

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Question 18

Have you any other comments on the impacts of the proposals in this document on persons who share a protected characteristic?

Yes No

If yes, please comment here in relation to the specific proposals:

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Question 19

Are there any potential regulatory impacts of the proposals in this document that we have not identified?

Yes No

If yes, what are they?

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