



Rt Hon Gavin Williamson CBE MP
Secretary of State

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Sally Collier, Chief Regulator, Ofqual
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9 April 2020

Dear Sally,

**DIRECTION UNDER S 129(6) OF THE APPRENTICESHIPS, SKILLS,
CHILDREN AND LEARNING ACT 2009**

On 31st March 2020, I wrote to you directing Ofqual to have regard to certain aspects of Government policy with respect to GCSEs, AS and A levels in England. This follows the difficult decision to cancel the summer exam series, in light of the unprecedented challenges we are facing in dealing with the impact of the Covid-19 pandemic. I acknowledged in that letter that the policy position is different for vocational and technical qualifications given both the nature of those qualifications and the complexity of the sector. I signalled that I would provide further policy direction in relation to vocational and technical qualifications (including those in apprenticeships), in line with section 129(6) of the Apprenticeships, Skills, Children and Learning Act 2009. The purpose of this letter is to set out my policy with regard to vocational and technical qualifications, and other general qualifications not covered by my earlier direction¹.

As with GCSEs, AS and A levels, it is the Government's policy that assessments cannot proceed as planned this spring and summer for vocational and technical qualifications given the Covid-19 pandemic and the measures that the Government is taking to reduce its impact.

I recognise that the vocational and technical qualifications landscape is complex: there is a large number of vocational and technical qualifications taken by a diverse range of students, both young people and adults alike. These qualifications serve a number of purposes, such as progression to further study, signalling occupational competence, or are linked to occupational regulation, such as licence to practise. These qualifications are offered by many awarding organisations and have differing assessment approaches, typically offered over the next few months. It is my intention that students enrolled on these qualifications are not disadvantaged with respect to their peers in the same cohort taking GCSEs, AS and A levels. Therefore, students and other learners who are taking vocational and technical qualifications that are used for progression to and through employment, further or higher education should be issued a set of results this summer in order to allow them to

¹ Qualifications in scope of this direction are all qualifications from entry to level 6 which are approved for funding and delivery to 14 to 16, 16 to 18, and 19 plus (including loans) and which are not A levels, AS levels, or GCSEs; and other general qualifications such as such as the International Baccalaureate, Pre-U and Core Maths.

progress to the next stage of their lives.

In order to achieve this, I understand that flexibility and pragmatism will be needed and that different types of qualification will likely require different approaches – a blanket approach for all qualifications is not feasible. However, these different approaches must be within a framework set by Ofqual's rules, and based, as far as possible, on the principle of fairness. This means that all students and other learners taking such qualifications should, wherever possible, receive a result that fairly reflects the work that they have put in and their level of attainment, and where relevant, maintains the same broad levels of comparability with previous years, in line with the approach being taken for GCSEs, AS and A levels. However, I understand that, given the impact of the current global health pandemic on assessments already in train and in the absence of the normal assessments, there may be some impact on the maintenance of standards across years and on the reliability of this year's results. All reasonable measures should be taken to ensure a safe, and valid result can be awarded to students and other learners, and that standards are maintained as consistently as possible.

I have set out the Government's policy intention for different qualifications in this direction. In order to promote consistency, as far as possible, Ofqual should set out the permitted approaches in an extraordinary regulatory framework developed specifically for responding to this unprecedented health pandemic, as well as the circumstances in which they may be used. It will be important that awarding organisations know which qualifications are subject to this framework. I would be grateful if Ofqual could provide me with advice setting out its views as to which qualifications fall within each category and I shall then determine a list of qualifications which will be subject to Ofqual's extraordinary regulatory framework.

I also recognise the significant impact on the vocational and technical system overall of the current crisis. Taking steps now needs to take into account both the needs of students and other learners and the stability of the system including awarding organisations, schools, colleges and training providers. I know you share my determination that we identify flexible and pragmatic solutions to this challenge.

Qualifications used for progression to further or higher education

Some vocational and technical qualifications and other general qualifications share many design features with general qualifications and are principally used for progression to further or higher education.

For this reason, it is Government policy that, as far as possible, such qualifications should be treated in the same way as GCSEs, AS and A levels with learners receiving a calculated result. Calculated results could be based in part on teacher, trainer or tutor judgements of their ability, where appropriate, in combination with a range of other evidence. A number of students will already have completed assessments in some modules and, where that evidence usually counts towards a result, it could be taken into account. I recognise that a wide range of different approaches to estimation and scaling will be required for vocational qualifications given the differences between the qualifications. However, I would expect that, where appropriate, statistical techniques based on students' results in previous years, on these and on their academic qualifications, will form part of the adopted approach.

Qualifications signalling occupational competence

However, I recognise that a calculated result will not be suitable for all vocational and technical qualifications. The use of calculated results will not be appropriate for qualifications which are primarily designed to signal occupational or professional or regulated competence (including licence to practise). Providing a result that signals competency that has not been evidenced to the usual expected standards creates risks, including those relating to health and safety. It could mean that a student does not possess the skills required by the role to which the qualification relates or does not meet the standards set by professional bodies or in regulations.

In order to ensure that students and other learners taking these qualifications can progress with a result this summer, it is Government policy that firstly, consideration should be given to adapting the assessments or delivery models where this would not undermine the reliability of the result. Only if this is not possible, should delay be considered. Such an approach aligns with that taken by the Institute for Apprenticeships and Technical Education in relation to apprenticeships.

I recognise that adaption of assessments will be challenging but I am confident that Ofqual and awarding organisations can work together to develop innovative approaches, during this unprecedented situation.

Qualifications serving a mixed purpose

There will be a range of vocational and technical qualifications that do not clearly align with either GCSE, AS and A levels or those directly signalling occupational or professional competence. They may enable students to progress to further study, enter into employment or be prerequisite for a programme of study, such as Functional Skills Qualifications. The approach taken for these qualifications should be in line with my intentions set out above.

In these cases, where qualifications have the primary purpose of supporting progression to employment or further or higher education, it is the Government's policy that the starting point for these qualifications should be the provision of calculated results. It is the Government's policy that learners due to take assessments for Functional Skills Qualifications before the end of the summer, receive a calculated result rather than an adapted or postponed assessment.

For other qualifications serving a mixed purpose, where calculated results are not possible or appropriate, the provision of adapted assessments should be considered, with the postponement of assessments leading to a delay to results beyond this summer being a last resort given the implications for progression.

The policy approaches set out above primarily relate to those students and other learners that are due to receive final certification this summer. However, Ofqual should also consider whether it is appropriate, in some circumstances, to adopt these approaches in relation to students and other learners who are due to take assessments part way through a qualification. This is because there are, for example, some who will require certification part way through in order to progress to the second year of study. There will also be circumstances where postponing these assessments to the next academic year would not be manageable for schools, colleges and training providers or unfairly disadvantage those students and other learners who would otherwise be engaged on their final year of study.

I recognise that there will be some students and other learners taking qualifications falling within the scope of this direction who cannot be provided with a result this summer because there is simply no way in which a valid result can be calculated, or an assessment adapted while still remaining fit for purpose. I would ask Ofqual to work to minimise these instances as far as possible and know that Ofqual will work with awarding organisations to do all that can be done to ensure the reliability of results.

Right of appeal

As with general qualifications, there will be some learners that are unhappy with the results that they receive following the measures outlined above. It is important that students should have access to a right of appeal if the relevant process was not followed correctly by the awarding organisation. This should be focused upon whether the process was followed and, where applicable, should not involve second-guessing the judgement of teachers, tutors or trainers, who know their students best. I understand that the requirements in Ofqual's current Conditions of Recognition already provide for such an appeal, although these requirements could, if Ofqual considers it necessary, be supplemented with specific guidance on appeals for these learners.

The Government considers that students and other learners who do not feel their result reflects their ability should be afforded an opportunity to complete an assessment at the earliest available opportunity. Any such approach should pay due regard to the financial and other implications for awarding bodies and providers and seek to ensure that any additional costs are limited and proportionate.

Accordingly, pursuant to the power of direction referenced above, I hereby direct Ofqual to take account of this policy and work with awarding organisations and others to develop manageable arrangements which would enable this group of students and other learners to retake assessments where possible and appropriate, as soon as reasonably possible after education and training providers are able again to support classroom delivery.

Next steps

I would ask that Ofqual makes the appropriate changes to its regulatory framework, and works with awarding organisations, teachers, tutors and other professionals in the education and skills sector, to give effect to the policy positions outlined above as rapidly as possible to ensure there is clarity for those individuals studying these qualifications, as well as providers. Across all qualifications in scope, Ofqual should develop principles and guidance to help awarding organisations come to appropriate judgements in line with the policy set out above.

I recognise that the nature of any approach to calculation or adaptation, as well as the need for different approaches for different qualifications, may mean that maintaining standards across years, and reliability, will be at risk in a way it is not through usual implementation of Ofqual's framework. However, the Government's priority is to avoid disadvantaging students across their cohort, and I consider it to be essential that, unless there are exceptional circumstances which mean it is not possible, students currently studying vocational and technical qualifications which fall within the scope of this direction are provided with a result this year.

I also recognise that there will be vocational and technical qualifications which can be taken, and assessed, at varying points throughout the year. In the current circumstances, priority should be given to providing results this summer for those who need them at that point in time for progression.

Given the complexity of the vocational and technical qualifications landscape, there will be many issues to work through, but I am confident that Ofqual can work with awarding organisations to mitigate these as far as possible while giving effect to the Government's overriding aim of minimising disruption and disadvantage to students, as far as possible, in the current circumstances.

For those qualifications that do not fall within the scope of this direction, including some qualifications at lower levels, which are more generic in nature, I expect that Ofqual will use its own discretion in applying its regulatory rules against the background of its statutory objectives and the current public health situation.

I trust that Ofqual will continue to engage the Department as they develop their approach and will notify the Department of any issues that may arise.

This letter will be published as a direction under section 129(7) of the Apprenticeships, Skills, Children and Learning Act 2009 and I am copying it to Roger Taylor, Chair of Ofqual, Robert Halfon MP as chair of the Education Select Committee, and to John Swinney MSP, Kirsty Williams AM and Peter Weir MLA as Education Ministers in Scotland, Wales and Northern Ireland respectively.

A handwritten signature in blue ink, appearing to read 'G. Williamson', with a long horizontal line extending to the right.

Rt Hon Gavin Williamson CBE MP
Secretary of State for Education