

GUIDANCE

Extraordinary regulatory framework: Vocational and Technical Qualifications, COVID-19 Guidance

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Guidance on compliance with Condition A6 in relation to VTQs and Condition VTQCov2.1(a)(ii)

Under Condition VTQCov2.1(a)(ii), an awarding organisation is required to take all reasonable steps to issue a result to a Learner who it would reasonably have expected to have been due to take an assessment on or after 20 March 2020 for a VTQ which it makes available.

It is intended that, as part of the Learners captured, this will include those who –

- may have been de-registered following the government's announcement of the cancellation of assessments,
- have been registered for the qualification but not for the assessments that would otherwise have taken place but for that cancellation, or
- were, before the closure of Centres, studying for the qualification at a Centre and due to take an assessment for it on or after 20 March 2020, but who were not registered with the awarding organisation.

However, we recognise that this requirement gives rise to the potential for abuse.

Condition A6 will continue to apply in respect of VTQs, albeit that an awarding organisation will need to take account of the changed risk profile with respect to the VTQs that it makes available. As part of its consideration of the changed risk profile under Condition A6, an awarding organisation should treat the potential for abuse of Condition VTQCov2.1(a)(ii) as a risk which could give rise to an Adverse Effect.

As part of the reasonable steps it takes under Condition A6.2, we will expect an awarding organisation to monitor registrations to identify any unusual patterns of entry and to ensure that there is a legitimate reason for any increase in a Centre's entries or that the process is not being abused in any other way.

Guidance on compliance with Condition A8 in relation to VTQs

Under Condition A8, an awarding organisation must take all reasonable steps to prevent the occurrence of malpractice or maladministration in the development, delivery and award of its qualifications.

Condition A8 continues to apply in relation to results issued under the VTQCov Conditions, albeit that an awarding organisation will need to take account of the changed risk profile with respect to the VTQs that it makes available. As such, an awarding organisation must take all reasonable steps to prevent malpractice or maladministration that could occur in relation to –

- (a) calculated results, and
- (b) results based on Adapted assessments

issued under the VTQCov Conditions.

Under Condition VTQCov2.3, an awarding organisation may choose to issue a result in line with the VTQCov Conditions to a Learner taking a VTQ outside the UK. An awarding organisation should consider the particular risks of malpractice depending on the nature of the non-UK setting, including the potential for bribery in relation to results.

Guidance on compliance with Condition D2 in relation to VTQs

Under Condition D2, an awarding organisation must ensure that it complies with Equalities Law in relation to each of the qualifications that it makes available. Equalities Law will continue to apply in relation to VTQs for which results are issued under the VTQCov Conditions.

In line with Conditions D2.2 and D2.3, an awarding organisation must continue to monitor any disadvantages to groups of Learners who share a particular Characteristic in relation to a VTQ that it makes available, and remove any disadvantage where it cannot be justified.

Under Condition D2.3(b), an awarding organisation must also keep a record of any disadvantage which it believes to be justified.

Guidance on compliance with Condition I1 in relation to VTQs

Under Condition I1, an awarding organisation must establish, maintain and comply with an appeals process in relation to all of its qualifications. This obligation continues to apply in respect of results issued under the VTQCov Conditions.

Condition I1 allows an awarding organisation to structure its appeal process as it considers best, providing that it meets the minimum requirements set out in the condition.

Appeal grounds

An awarding organisation should consider whether it will need to adapt its usual appeal process to cater for the results that it issues under the VTQCov Conditions. For example, the closer the approach used by an awarding organisation to calculate results is to that used for general qualifications, the more it may consider it appropriate to follow an appeals process similar to that set out in Condition GQCov5.

We note that in his direction to Ofqual in relation to VTQ Qualifications¹, the Secretary of State made clear that he wishes appeals in relation to such qualifications to focus on compliance with an awarding organisation's processes and not to permit the judgements of Teachers and Centres in relation to calculated results to be second-guessed.

We consider that in relation to calculated results it would not be appropriate to allow appeals relating to the professional judgements of Teachers and Centres. This is because, in normal circumstances, the basis for such appeals is whether or not a result is reasonable in light of the application of the criteria set by the awarding organisation to the evidence produced by the Learner in an assessment. However, calculated results will not be based on assessments that are marked in line with set criteria and there is therefore no common benchmark or standard against which the merits of a particular result could be judged in a fair manner.

In addition, the potential exposure in an appeal process of the proposed mark or rank order provided to an awarding organisation by a Centre could lead to undue pressure on Teachers and Centres.

However, as required under Condition I1.2(a), we will expect an awarding organisation to provide for appeals on the basis that it has used incorrect information or that procedures were not followed properly and fairly in arriving at a calculated result.

Condition I1.2(a) will encompass whether a Centre has followed a procedure properly and fairly, where relevant, including any issue in relation to bias or discrimination on the part of a Centre in following a procedure.

¹ <https://www.gov.uk/government/publications/direction-issued-to-the-chief-regulator-of-ofqual>

Private Candidates

We will expect an awarding organisation to provide a direct right of appeal for Private Candidates in relation to all results issued under the VTQCov Conditions, without the need for an appeal to be brought by a Centre on the Private Candidate's behalf.

Guidance on calculated results using evidence from Centres

Condition VTQCov3.2 allows us to specify requirements and guidance in relation to the calculation of results to be issued for Category 1 Qualifications in summer 2020.

That guidance also applies to the calculation of results for Category 2 Qualifications under Condition VTQCov4.2.

We set out our guidance in relation to calculated results for Category 1 Qualifications and Category 2 Qualifications below.

Under Condition VTQCov7.1, in relation to the calculation of results, an awarding organisation must comply with the principles specified by Ofqual. Principle 1 requires an awarding organisation to issue results which meet a baseline of validity and reliability. Principle 2 requires an awarding organisation to seek to maximise the reliability of the results that it issues.

Where information provided by Centres in relation to Learners' likely performance is used as part of the overall approach to calculating results, we will expect an awarding organisation to –

- (a) have regard to and draw on as appropriate our guidance titled 'Guidance for Heads of Centre, Heads of Department and teachers on objectivity in grading and ranking',²
- (b) consider whether it should require a check to be conducted by the Head of Centre, or some other appropriate member of senior staff on any information provided by the Centre, before that information is sent to the awarding organisation, and
- (c) as part of that consideration in (b), have regard to, and draw on as appropriate our guidance titled 'Summer 2020 grades for GCSE, AS and A level, Extended Project Qualification (EPQ) and Advanced Extension Award (AEA) in maths: Information for Heads of Centre, Heads of Department/subject leads and teachers on the submission of Centre Assessment Grades'.³

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/885337/Guidance_on_objectivity_in_grading_and_ranking_15MAY2020.pdf

³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/878848/Summer_2020_grades_for_GCSE_AS_A_level_EPQ_AEA_in_maths_-_guidance_for_heads_of_centres.pdf

Guidance on remote Invigilation

Condition VTQCov3.2 allows us to specify requirements and guidance in relation to Adapted assessments for Category 1 Qualifications in spring and summer 2020.

That guidance also applies to Adapted assessments for Category 2 Qualifications under Condition VTQCov4.2 and Category 3 Qualifications under Condition VTQCov5.1.

We set out below our guidance in relation to the use of remote Invigilation in Adapted assessments for VTQs in spring and summer 2020.

In our requirements under Condition VTQCov3.2, we state that one of the potential Adaptations that an awarding organisation may make to its assessments is 'changing Invigilation requirements, for example by allowing the use of online Invigilation so that assessments can take place in a wider range of settings'.

Where online or remote Invigilation is used, under Conditions G8.1 and G9.2(c), an awarding organisation must still ensure that the relevant evidence has been generated by the Learner, and that the assessment has been completed under the specified conditions.

In light of those requirements, whether or not the use of remote Invigilation is appropriate as an Adaptation will be heavily dependent on context.

We will expect an awarding organisation to consider all relevant risks under Condition A6, and the possibility of malpractice under Condition A8, when deciding whether to use remote Invigilation as an Adaptation. The factors to which an awarding organisation should have regard, as part of that consideration, include the following –

- Whether remote Invigilation will affect the constructs to be assessed or the Validity of the assessment.
- The Learners' user experience and the parameters of delivery, for example, how the Invigilator would supervise any breaks during an assessment.
- The level of security that is required in delivery in proportion to the stake of the qualification and its purpose.
- The robustness of the awarding organisation's processes and controls to ensure that the Learner's identity can be confirmed and the evidence generated by the Learner can be Authenticated
- The capacity of the awarding organisation and Centres to operate the relevant systems and processes as intended, including, for example, whether Invigilators are adequately trained, and the scalability of the relevant systems and processes.
- The clarity around the roles and responsibilities of the awarding organisation, the Centre, and the Learner.
- The security and reliability of the software and hardware needed to operate the relevant systems and processes.
- The awarding organisations contingency plan in the event of a delivery failure, including a failure in the relevant software or hardware.
- The awarding organisation's approach to equality issues, including Reasonable Adjustments and Special Consideration, and its approach to any Learners who

do not have access to the required equipment, or whose equipment is not compatible with the relevant system requirements.

- Issues around safeguarding, health and safety, and data protection.
- Any trialling or piloting of the approach before rolling it out in full.

An awarding organisation must keep a record of its decisions and the justification for the approach it chooses to adopt for online Invigilation as part of its record keeping under Condition VTQCov8.1(a)(iii).

Guidance on the use of hybrid approaches under Conditions VTQCov3.3, VTQCov4.3 and VTQCov 4.4

In relation to Category 1 Qualifications, we recognise that the evidence that is available to an awarding organisation may differ as between different Components taken by the same Learner, or different Learners taking the same Component. As such, it might be appropriate to deliver a calculated result –

- for some Components taken by a Learner and not others, or
- for some Learners and not others

where the quality of evidence available in respect of those Components or Learners is different.

Condition VTQCov3.3(a) permits an awarding organisation to provide a calculated result for some Components taken by a Learner and Adapted assessments for other Components, and Condition VTQCov3.3(b) permits different approaches with respect to different Learners taking the same Component, providing calculated results to some and results based on Adapted assessments to others.

Likewise, we recognise that Category 2 qualifications will have a range of different structures, types of assessment and rules of combination.

Condition VTQCov4.4 allows an awarding organisation to decide that it would be appropriate or that there is sufficient evidence to issue a calculated result for some Learners but not others taking the same Component. Condition VTQCov4.3 also allows an awarding organisation to decide that it would be appropriate and there would be sufficient evidence to issue calculated results for some Components taken by a Learner but not other Components taken by the same Learner. In each case, the awarding organisation would take all reasonable steps to base the result for a Learner on an Adapted assessment where it had decided it was inappropriate, or there was insufficient evidence, to provide a calculated result.

Guidance on Condition VTQCov10.2

Under Condition VTQCov10.2, an awarding organisation is not required to provide an assessment opportunity in the autumn of 2020 as required under Condition VTQCov10.1(b) where it reasonably considers that to do so would be impracticable or disproportionate.

Examples of where it may be impracticable or disproportionate to hold an autumn assessment series include where –

- (a) there is not enough capacity to run the relevant assessments, for example where the relevant assessments are large and would be prohibitively resource-intensive for the awarding organisation to deliver,
- (b) the assessments would be prohibitively difficult for Centres to deliver,
- (c) there is insufficient teaching time for Learners to be ready to take assessments,
- (d) Centres have not yet re-opened, or
- (e) there is a need to recruit significantly more Assessors than usual and there are significant barriers to their recruitment and training within a workable timescale.

Qualifications that fall out of scope of the direction

The VTQCov Conditions apply only to those qualifications which have been designated as Category 1 Qualifications, Category 2 Qualifications or Category 3 Qualifications published by Ofqual.

Where a qualification which it makes available is not specified as one of those categories, an awarding organisation must consider the best approach to managing the effects of the Covid-19 pandemic on Learners taking that qualification within the framework provided by its Conditions of Recognition.

In doing so, an awarding organisation should consider whether it is most appropriate to delay or reschedule assessments, or whether it is possible to –

- (a) calculate results for Learners, or
- (b) Adapt assessments for the qualification,

while still complying with the requirements of its Conditions of Recognition. This includes consideration of whether any reasonable steps can be taken, under Condition H6.1(f), to issue results in line with any date or timeline published by the awarding organisation.

Where it chooses to calculate results or Adapt assessments, an awarding organisation should have regard to the requirements and guidance set out in relation to calculating results and Adapting assessments in the VTQCov Conditions.

An awarding organisation must identify, and seek to avoid or mitigate, the risks that apply to any approach it takes in line with Condition A6.

In addition, under Conditions D1.2(e) and D2, it should seek to ensure that any approach Minimises Bias by not producing unreasonably adverse outcomes for Learners who share a common attribute.

An awarding organisation is not required to comply with the VTQCov Conditions with respect to Category 1 Qualifications, Category 2 Qualifications or Category 3 Qualifications which are not awarded in the UK. However, an awarding organisation may choose to issue results to Learners taking such qualifications outside the UK under Condition VTQCov2.3. Where an awarding organisation does not choose to do so, it must comply with the General Conditions of Recognition and any Qualification Level Conditions or Subject Level Conditions with respect to such awards outside the UK as normal.



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