

## Decisions on New Statutory Guidance to support the General Conditions of Recognition



In December 2015 we published a consultation about new statutory guidance to support the General Conditions of Recognition.

This consultation set out draft guidance for the following Conditions:

- A5 – Availability of adequate resources and arrangements
- B3 – Notification to Ofqual of certain events
- C2 – Arrangements with Centres
- D3 – Reviewing approach
- D7 – Management of the withdrawal of qualifications
- E3 – Publication of a qualification specification
- E5 – Assurance that qualifications comply with the conditions
- G1 – Setting the assessment
- G3 – Use of language and Stimulus Materials
- G6 – Arrangements for Reasonable Adjustments
- G7 – Arrangements for Special Consideration
- G8 – Completion of the assessment under the required conditions
- G9 – Delivering the assessment

It also set out draft guidance for what an awarding organisation should do where it discovers that it has issued an incorrect result.

We reviewed the responses to the consultation and this document are publishing the decisions and a detailed analysis of the responses alongside this document<sup>1</sup>.

## **Our proposals**

We proposed guidance covering 13 Conditions. Eleven of these did not previously have any guidance and 2 had existing guidance which we proposed to amend. We also proposed guidance covering the actions awarding organisations should take where they have issued an incorrect result to a student.

## **Our decisions**

The comments we received for each piece of guidance reflected the specific issues relevant to the Condition to which it applied. There were contradicting views from different organisations; what one awarding organisation found helpful, another did not, and where one awarding organisation wanted more detail, another felt the guidance was detailed enough. This is a natural consequence of the range of awarding organisation activities covered by the Conditions for which we proposed guidance, and the range of awarding organisations and qualifications that must have regard to our guidance.

We took all views into account in finalising our guidance and where appropriate, we amended the drafts to reflect these views. In doing so, we aimed to ensure our guidance is helpful to all awarding organisations. But we recognise that we cannot incorporate every suggestion, and some awarding organisations will find parts of the guidance more helpful than others.

It is important to bear in mind the status of the guidance. The guidance explains what 'good' and 'bad' might look like. Whilst an awarding organisation must have regard to the guidance, it is not a further set of rules. An awarding organisation does not have to follow our guidance if it has good reason not to; it may find different ways to meet the General Conditions.

In some instances, we include positive indicators that go beyond simply complying with a Condition. Whilst strict compliance may not require a specific action in the guidance to be taken, the indicators set out behaviours we believe make it likely, or not, that an awarding organisation is complying with a particular Condition. Again, it is important to be clear these are not additional requirements, but indicators.

Our guidance on making changes to incorrect results covers some areas currently covered by the *GCSE*, *GCE*, *Principal Learning and Project Code of Practice* (the

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<sup>1</sup> <https://www.gov.uk/government/consultations/ofqual-consultation-on-new-statutory-guidance>

Code). We consulted separately on removing the Code and announced our decision<sup>2</sup> to withdraw it from 2016. We took the decision to publish this guidance at the same time as publishing the guidance for the other Conditions we consulted on. Hence the reason for publication of this guidance now.

We decided to adopt, with some amendments, all of the guidance we consulted on. We do not set out here every change we have made as some are minor; such as changes to specific words or bullet points. Instead, we provide a summary of the main comments made by respondents, and explain our decisions to amend or adopt the draft guidance.

### **Length of guidance**

Some respondents commented that our draft guidance, particularly that on correcting incorrect results, was too long. We considered these responses and sought, where possible, to shorten it. We balanced this, however, with the views of those who felt our guidance was clear and helpful. In relation to the guidance on correcting incorrect results, this is a complex area that cuts across a number of Conditions. We know some awarding organisations were uncertain how to deal with such issues and this is why we set out the context and the requirements to which this guidance applies in more detail than we would normally. We will keep the guidance under review and consider any feedback we receive from awarding organisations once it is in place.

For other sections, we sought to reduce the length of the guidance by removing parts that respondents felt were repetitive, for example between positive and negative indicators, or between the guidance and the Condition itself.

### **Requirements to provide training for Centres**

In some areas, specifically our guidance for Conditions C2 (Arrangements with Centres), G8 (Completion of the assessment under the required conditions) and G9 (Delivering the assessment), respondents commented on the suggestion that awarding organisations should provide training for centres. Whilst respondents accepted it is important centres understand what is expected of them, they noted this may not always be in the form of training. Providing bespoke training to centres could pose an increased burden, in terms of time and cost, for awarding organisations and centres. Respondents commented that, in practice, guidance and support may be more appropriate.

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<sup>2</sup> <https://www.gov.uk/government/consultations/marking-reviews-appeals-grade-boundaries-and-code-of-practice>

We amended our guidance to make it clear that in those instances covered by this guidance, training does not necessarily have to always be face-to-face. It could be in the form of guidance or support, if this is appropriate.

### **Collection and analysis of data**

Our draft guidance for Conditions C2 (Arrangements with Centres), G6 (Arrangements for Reasonable Adjustments) and G7 (Arrangements for Special Consideration), included as a positive indicator of compliance, the collection and analysis of data by an awarding organisation. This would help them determine whether they are meeting the requirements of the Conditions.

Respondents felt that, in some cases, this went beyond the requirements of the relevant Condition. We considered these views. Whilst we recognise the Conditions do not explicitly require this, the purpose of the positive indicator is to provide examples of indicators that the awarding organisation is complying with the Condition. Whilst it might not be necessary to collect and analyse data to be compliant, we believe an awarding organisation doing so is likely to be compliant with at least aspects of the Condition. We decided, therefore, to introduce this guidance in the form in which we consulted.

### **Additional guidance for Condition A5**

In our guidance for Condition A5 (Availability of adequate resources and arrangements), we proposed adding to our existing guidance. We proposed to set out types of data relating to specified levels of attainment that awarding organisations should have available.

Respondents commented this proposed guidance does not relate directly to the Condition for which we proposed it, nor to the section of the Conditions (governance) where this Condition is published. Respondents also commented on the nature of the guidance itself. They commented that specifying retention of data should include examples of specified levels of attainment is not possible for some qualifications, or for awarding organisations offering a large number of different qualifications.

Having considered this, we decided not to implement this part of the guidance for Condition A5.

### **Forecasting demand for qualifications**

Our draft guidance for Condition A5 (Availability of adequate resources and arrangements) sets out that a positive indicator of compliance with the Condition would be an awarding organisation accurately forecasting demand for its qualifications, and putting in place resources to meet this demand.

Respondents commented that whilst they are able to forecast demand, the nature of the market means it is difficult to do this accurately. This part of the guidance is not new. Our guidance for A5 is already published; our proposed guidance only included additions to what was in place. However, we noted the concerns raised on this point and have amended our guidance to take account of this.

### **Notifying other organisations**

Our guidance for Conditions B3 (Notification to Ofqual of certain events) and C2 (Arrangements with Centres) refers, as a positive indicator, to notifying other awarding organisations and agencies of things that have happened. Respondents suggested this goes beyond what the Conditions require.

We considered this and agree, in some instances, this may go beyond what the Conditions require. Whilst it may still be appropriate to take this action, we decided to remove it from our guidance. This does not mean this is not something awarding organisations may want to consider doing; but we recognise it may not be necessary in order to comply.

### **Definition of Special Consideration**

One of the elements of our guidance for Condition G7 (Arrangements for Special Consideration) set out that, in addition to Special Consideration being applied after an assessment has been taken, it could also apply prior to an assessment. Adjustments made before an exam (that are not reasonable adjustments) are commonly referred to as access arrangements. Awarding organisations typically use the term Special Consideration to refer only to adjustments made after an assessment has been taken.

Whilst some respondents welcomed this guidance, others commented that Special Consideration should only refer to changes made after an assessment is taken. Having considered these responses, our view is the Condition does not specify the point at which Special Consideration must be applied, therefore this guidance is consistent with the requirements of the Condition. We decided to introduce the guidance as consulted on.

### **Third parties/satellite centres**

A number of respondents commented on our proposed guidance for Condition C2 (Arrangements with Centres), particularly relating to the agreements an awarding organisation requires a Centre to have with third parties or satellite centres. Some respondents felt the guidance suggested an action that went beyond the requirements of the Condition.

Having considered these responses, our view is that this guidance is within the scope of this Condition. As with all of our guidance, this is an indicator of compliance; it is

not a further rule for awarding organisations to meet. We consider it appropriate to include positive indicators that are examples of actions a compliant awarding organisation might take, so we decided to introduce this guidance as consulted on.

### **Correcting incorrect results**

In addition to the comments about the length of this draft guidance, some respondents felt the guidance should be more prescriptive about what an awarding organisation should do in a particular circumstance. Others felt the guidance set out issues awarding organisations were already aware of, and therefore, not needed.

We do not think it is possible, or desirable, to set a single approach for awarding organisations to follow each time they find they have issued an incorrect result. The circumstances of any case where an incorrect result has been given to a student will vary and there are several factors, which will be more or less relevant in any given case.

We considered all of the comments on this guidance and made some amendments. Whilst we recognise this guidance is lengthy, we believe it covers an important area. We think it is right to set out the background and context to the guidance, as well as describing the relevant obligations in the Conditions. Whilst for some awarding organisations, this guidance may simply formalise a process they already follow, we think it is right to set out a consistent approach to which all awarding organisations should have regard.

We decided to introduce the substance of the guidance on which we consulted, but we have shortened it where we could. As this guidance is in a different format to the rest of our guidance, we welcome any feedback on how it works in practice after it is implemented.

### **Next steps**

We published the following documents, formally introducing our new statutory guidance:

- *Statutory guidance to the General Conditions of Recognition*<sup>3</sup>

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<sup>3</sup> <https://www.gov.uk/government/consultations/ofqual-consultation-on-new-statutory-guidance>