

Analysis of responses to our consultation on new statutory guidance to support the General Conditions of Recognition



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Executive summary

Our consultation about new statutory guidance to support the General Conditions of Recognition took place between 7 December 2015 and 31 January 2016. The consultation questions were available to complete online or download. A copy of the consultation is available at <https://www.gov.uk/government/consultations/ofqual-consultation-on-new-statutory-guidance>.

There were 33 responses to the consultation. Twenty-seven were from awarding organisations, two were organisational responses from representative or interest groups, two were personal responses from students and one was a personal response from an educational specialist. One organisational response, from a union, did not respond directly to our consultation questions but provided a general response saying that it did not have any comments to make.

Respondents made a wide range of comments. There was support for our guidance in a number of areas. In some areas, respondents felt the guidance was too detailed, whereas others felt the level of detail was appropriate, or wanted more detail. Respondents highlighted some areas where they felt the guidance went beyond what the Condition requires, and some where following the guidance may impose a burden on awarding organisations.

The guidance on which we consulted was for Conditions covering a range of awarding organisation activities, for which different awarding organisations are likely to have different approaches. The difference of views expressed might indicate the extent to which different awarding organisations' practices are currently in line, or not, with the draft guidance.

We set out the responses in more detail below.

Introduction

The consultation on the Conditions and guidance for new statutory guidance to support the General Conditions of Recognition

This report is a summary of the views expressed by those who responded to our consultation on *New Statutory Guidance to support the General Conditions of Recognition*, which took place between 7 December 2015 and 31 January 2016.

Background

All awarding organisations must meet our regulatory requirements; the rules we set to make sure qualifications are valid and fit for purpose. One such set of requirements is the *General Conditions of Recognition*. All awarding organisations we recognise must comply with these on an ongoing basis.

To help awarding organisations understand how to comply with the Conditions, we publish statutory guidance. Awarding organisations are required to have regard to this.

We published guidance for a number of Conditions, in the form of positive and negative behaviours, which might indicate whether an awarding organisation is complying with the Conditions. This consultation was about guidance for 11 Conditions for which we did not previously published guidance, along with amended guidance for two Conditions and new guidance on correcting incorrect results.

Who responded?

We received 33 responses to our consultation. Thirty of these were from organisations and three were personal responses.

Table 1: Breakdown of consultation responses

Personal / organisation response	Respondent type	Number
Organisation response	Awarding organisation	27
Organisation response	Union	1
Organisation response	Other representative or interest group	2
Personal response	Student	2
Personal response	Educational specialist	1

Table 2: Location of respondents

Respondent type	Number
England	24
Wales	2
Northern Ireland	1
England and Wales	1
England, Wales, Northern Ireland, Scotland	3
England, Wales, Scotland, non-EU	1
England/ Wales/NI/ Scotland/ other EU/non-EU	1

Approach to analysis

We published the consultation on our website. Respondents could respond using an online form, by email, or by post.

This was a consultation on the views of those who wished to participate. While we made every effort to ensure that as many respondents as possible had the opportunity to respond, it cannot be considered as a representative sample of the general public or any specific group.

Data presentation

We present the responses to the consultation questions in the order in which we asked them.

The consultation asked 14 questions. Each question invited respondents to comment on our draft guidance.

During the analysis, we reviewed every response to each question.

Views expressed – consultation response outcomes

In this section, we report the views in broad terms, of those who responded to the consultation. We structured this around the questions covered in the consultation document.

A consultation is not the same as a survey and the responses only reflect the views of those who chose to respond. Typically, these will be those with strong views and/or particular experience or interest in a topic. What follows is a fair reflection of the views expressed by respondents to the consultation.

A list of the organisations that responded is included in Appendix A.

<p>Question 1: Do you have any comments on our proposed guidance for A5 [Availability of adequate resources and arrangements]?</p>

Twenty-four respondents provided comments.

Ten respondents raised concerns about the use of the word ‘accurately’ in our draft guidance:

“...accurately forecasts the demand for its qualifications and puts in place resources to meet this demand.”

Respondents were concerned that the nature of the qualifications market means that it is not always possible to forecast accurately. They would however have systems to enable them to make forecasts that are as accurate as possible, and to respond in cases where these forecasts were not accurate.

Eight respondents commented that providing guidance against Condition A5 that linked to the requirements of other Conditions made the guidance less clear than it could have been.

Six respondents commented that in some instances, the guidance repeated what the Condition requires and was unnecessary. There were also comments that some of the proposed guidance referred to activities an awarding organisation would have to do anyway to meet the requirements of the Conditions.

Other respondents commented on specific issues relating to the wording of individual bullet points and on the guidance on retaining data including work exemplifying specified levels of attainment. They believed it is not practical for awarding organisations offering a large number of qualifications to do this, and that it is not relevant to the Condition.

**Question 2: Do you have any comments on our proposed guidance for B3
[Notification to Ofqual of certain events]?**

Twenty-seven respondents provided comments.

Four respondents commented that this guidance was comprehensive and helpful. Seven commented that the proposed guidance was lengthy and suggested shortening its length, or splitting it into sections.

Nine respondents provided specific comments about where we could shorten the guidance. They suggested areas where we could remove repetition or references to things the Condition covered sufficiently. There were suggestions about areas where we could improve the clarity of the guidance through changes to wording.

Five respondents commented on one of the negative indicators in our guidance:

“...does not notify Ofqual of an event before it [Ofqual] becomes aware of it through other means...”

They commented that sometimes, they are not able to prevent this from happening, as the person that discovers the event may choose to contact Ofqual before contacting the awarding organisation.

In relation to our guidance for Condition B3.4, five respondents said that it would be helpful to understand what is meant by a substantially different qualification.

Four respondents commented on our positive indicator:

“...taking account of any requirements from Ofqual about how particular types of event should be reported”

They queried what these requirements would be.

Three respondents commented about our negative indicator:

“...experiences reoccurrences of the same or similar event”

They commented that despite their best efforts, it is not always possible to prevent something reoccurring. An awarding organisation can reduce the likelihood of something happening, and manage it appropriately when it does, but in some instances, preventing something altogether is not possible.

There were also comments on:

- specific aspects of wording throughout the guidance;

- words or phrases that respondents felt could be clearer or were not necessary;
- the guidance on notifying other organisations where an Adverse Effect has occurred.

Question 3 - Do you have any comments on our proposed guidance for C2 [Arrangements with Centres]?

Twenty-four respondents commented on this guidance. Five commented that the guidance was generally helpful, and either provided no further comments, or made minor suggestions to wording.

Twelve respondents commented that they felt that the guidance on providing training to centres:

“...sets out clearly to centres what it requires them to do, making necessary information available and providing appropriate training and support...”

went beyond what the Condition requires.

They commented that whilst they would envisage providing guidance and support to centres, which could include training, the specific reference to training could place a burden on awarding organisations and centres.

Seven respondents commented that the guidance on notifying other awarding organisations and centres about issues was too broad. Respondents felt it is important not to report concerns until there is evidence of the concern, as opposed to a suspicion of it.

Five respondents commented on the guidance for awarding organisations to collect and analyse data about centres to inform their view as to whether they will comply with the awarding organisation’s requirements. Respondents commented this could be burdensome and could go beyond what the Condition requires.

Five respondents commented that the guidance on arrangements between centres and third parties, whilst helpful, may go beyond what the Condition covers.

Question 4 - Do you have any comments on our proposed guidance for D3 [Reviewing approach]?

Seventeen awarding organisations commented on this guidance. Six commented that the guidance is helpful and either provided no comments, or made minor suggestions for changes to wording.

Five respondents commented that the guidance on the way, and the frequency with which, an awarding organisation carries out its reviews, could be seen as being too prescriptive. They recommended the timescales are not included as they may not be relevant in all cases.

Three respondents provided additional general comments that were not specific to this Condition.

**Question 5 - Do you have any comments on our proposed guidance for D7
[Management of the withdrawal of qualifications]?**

Seventeen respondents commented on this guidance. Seven respondents either supported the guidance, provided no specific comments, or suggested minor changes to wording.

Five respondents commented we could make clearer the guidance about notifying Ofqual promptly of its intention to withdraw a qualification, and about setting operational and certification end dates on the Register using appropriate staff.

Other comments included that:

- the references to the staff who perform some of the functions referred to in the guidance were unclear, and may not reflect the reality of how an awarding organisation operates;
- the way in which notice should be provided to Ofqual and the timescales for doing so should be clearer.

**Question 6 - Do you have any comments on our proposed guidance for E3
[Publication of a qualification specification]?**

Fifteen respondents commented on this guidance. Six commented that the guidance was clear and helpful, and provided no further comment.

Five respondents provided comments relating to the guidance for specifications to be readily available to Users:

"...specifications are readily available to Users, for example through the awarding organisation's website, and provide clear contact information where queries about the specification can be raised."

These comments related to whether publishing a specification meant it had to be available to the public, or could be made available only to those taking the qualification, for example via a secure area on an awarding organisation's website.

**Question 7 - Do you have any comments on our proposed guidance for E5
[Assurance that qualifications comply with the Conditions]?**

Nineteen respondents commented on this guidance. Four said the guidance was helpful and did not provide any further comments.

Eight commented on the draft guidance:

“...authorises only a person of appropriate seniority and competence (such as a Senior Officer or the responsible officer) to confirm that the qualification complies with the requirements of its Conditions of Recognition and is ready to be submitted to the Register or for accreditation.”

Respondents felt the competence of the person was the key factor, not their job title or seniority.

Three respondents commented on the negative indicator:

“...makes errors in the information it submits to the Register or submits incomplete information.”

Respondents noted these were not always within the control of the awarding organisation.

**Question 8 - Do you have any comments on our proposed guidance for G1
[Setting the assessment]?**

Seventeen respondents commented on this guidance. Five either found the guidance helpful, or provided general comments that did not directly relate to this guidance.

Six respondents highlighted the guidance that an awarding organisation should:

“...ensure its assessments are manageable for Learners and Centres, by taking into account...the availability and cost to Centres of equipment, materials and other resources required for the assessments...”

One respondent felt this was not relevant to this particular Condition. Five others commented that sometimes the cost of assessment is outside of the control of an awarding organisation, for example, when education policy requires that a certain type of assessment is made available.

Four respondents highlighted areas where the positive and negative indicators mirrored one another.

**Question 9 - Do you have any comments on our proposed guidance for G3
[Use of language and Stimulus Materials]?**

Thirteen respondents commented on this guidance. Six respondents commented either that the guidance was helpful, or provided general comments that did not relate to any specific part of the guidance.

Five respondents commented that some of the positive and negative indicators mirrored one another and it was not necessary to include the point under both sections.

Respondents made some additional comments about how we could amend specific wording to make it clearer.

**Question 10 - Do you have any comments on our proposed guidance for G6
[Arrangements for Reasonable Adjustments]?**

Twenty-two respondents commented on this guidance. Four commented either the guidance was helpful, or they suggested minor changes to the wording, or made general comments were not specific to this guidance.

Twelve respondents commented on the guidance that awarding organisations should:

“collect and analyse data on the number of requests for Reasonable Adjustments made and approved” and

“use information, intelligence and data to identify and prevent potential misuse of Reasonable Adjustments by Centres and acts on any findings.”

Respondents felt this guidance would impose an additional burden on awarding organisations.

Four respondents commented on the guidance suggesting awarding organisations should identify centres that are not seeking reasonable adjustments appropriately. They commented that whilst awarding organisations are responsible for managing requests for reasonable adjustments, centres and learners are responsible for requesting them. They said it should not be an expectation on awarding organisations to identify students who needed reasonable adjustments, but for whom centres were not requesting them.

**Question 11 - Do you have any comments on our proposed guidance for G7
[Arrangements for Special Consideration]?**

Twenty respondents commented on this guidance. Four commented either that the guidance was helpful, or provided general comments that were not specific to this guidance.

Nine respondents made similar comments to those made for question 10 above. They commented on the guidance that awarding organisations should collect data about requests for special consideration and monitor and use this to review the effectiveness of their arrangements. Respondents felt that this would impose an additional burden on awarding organisations.

Seven respondents commented on the guidance referring to the point at which special consideration is applied.

“...Special consideration could include, but is not limited to...an adjustment to the arrangements for accessing an assessment for a Learner who is not disabled, but whose ability to access the assessment has been affected by an injury or illness”

Some respondents felt this guidance covering the application of special consideration following an assessment, as well as beforehand (referred to more commonly as an access arrangement) was helpful. Others felt that special consideration should only refer to adjustments made after an exam and that the guidance should reflect this.

Three respondents commented that the guidance:

“...considers each application for Special Consideration...”

seems to infer a qualification by qualification approach rather than an overall approach that can be applied to specific cases. They felt this particular guidance differed from how they interpreted the Condition.

<p>Question 12 - Do you have any comments on our proposed guidance for G8 [Completion of the assessment under the required conditions]?</p>
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Nineteen respondents commented on this guidance. Four commented that the guidance was clear and helpful, or provided general comments that did not relate specifically to this guidance.

Eleven commented on the guidance:

“...sets clear requirements for the conditions under which Learners must complete the assessment, consults with Centres on these and communicates them clearly to Centres, ensuring appropriate training is provided, including for relevant Centre staff...”

They thought the guidance suggesting training for centres would place an additional burden on awarding organisations. Respondents suggested this should refer instead to support and guidance, which could include training, as opposed to referring specifically to training.

Four respondents commented that the guidance suggesting an awarding organisation should consult with centres on its requirements for the conditions under which assessments should be taken, went beyond what the Condition requires.

Three respondents commented on the guidance on authenticating a learner's work. They wanted specific examples of how this should happen.

Question 13 - Do you have any comments on our proposed guidance for G9 [Delivering the assessment]?

Fifteen respondents commented on this guidance. Six said either that the guidance was helpful, provided general comments, or provided minor suggestions for changes to wording.

Five respondents commented on the guidance referring to providing training to centres on the awarding organisation's requirements. Respondents felt that although awarding organisations would provide guidance and support to centres, specifying training went beyond the Condition and could place an additional burden on awarding organisations.

Question 14 - Do you have any comments on our proposed guidance on correcting incorrect results?

Twenty-five respondents provided comments on this guidance. Seven commented that the draft guidance is clear and helpful.

Eight respondents commented on the length of the guidance. They felt the guidance was long and suggested that we should shorten the introductory text.

Four respondents commented on the guidance that awarding organisations should communicate any change in results to affected learners. Respondents were concerned that there may be instances where an awarding organisation is not able to contact a learner, for example where the learner is no longer at a centre and the centre does not hold contact details for that learner.

Three respondents commented on the guidance that referred to review arrangements that awarding organisations may be required to have in place. They wanted more clarity on which qualifications this would apply to and what these arrangements would be.

Other comments made by respondents included:

- the guidance required awarding organisations to make a lot of judgements and did not include weightings for how much importance should be attached to each of the factors;
- a suggestion that the guidance should set out a default position at the start;
- the guidance should set out what happens when multiple learners are affected, although not necessarily involved individually, such as in the case of incorrect results due to teacher malpractice;
- in some cases, awarding organisations are not able to judge the impact of issuing a wrong result on a learner's progression. Respondents commented that often this is more practical for learners progressing to higher education as opposed to further education due to the way in which information is shared between institutions;
- a request that the guidance should be more specific in some areas, and a preference for rules about what to do to be set through Conditions, rather than set out as factors to which awarding organisations should have regard to in guidance.

Other issues

In addition to the comments on the individual questions, respondents also provided some general comments. The main comments made by these respondents included:

- comments that overall the guidance was helpful and was welcomed by awarding organisations;
- comments that the guidance was too long in some areas;
- requests for more detail in some areas;
- concerns that guidance could, over time, become an additional set of rules for awarding organisations to meet;
- queries over whether some of the guidance linked directly enough to the Conditions for which it was being proposed;
- comments on the style of the consultation and a request that future consultations on statutory guidance include numbered bullets to make it easier to reference in responses.

Appendix A: List of organisational consultation respondents

When completing the questionnaire, we asked respondents to indicate whether they were responding as an individual or on behalf of an organisation.

Below we list those organisations that submitted a response to the consultation. We have not included a list of those responding as an individual; however all responses were given equal status in the analysis.

ABC awards

ACCA (the Association of Chartered Certified Accountants)

AQA

ASCL

Association of International Accountants

Cambridge International Examinations

CACHE

Chartered Institute of Environmental Health

Chartered Institute of Legal Executives (CILEx)

Chartered Institute of Marketing

Chartered Insurance Institute

C.I.P.S.

Confederation of Tourism and Hospitality

Council for the Curriculum, Examinations and Assessment

EAL (Excellence, Achievement and Learning Limited)

Federation of Awarding Bodies

Highfield Awarding Body for Compliance

IMI

NCC Education Limited

NCFE

NOCN

OCR

Open Awards

Pearson Education Limited

SFJ Awards

Voice the union for education professionals

WJEC

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