

Ofqual consultation on regulating level 2 and below Progression Qualifications

Response of the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) represents over 24,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of state-funded and independent schools and colleges throughout the UK. ASCL members are responsible for the education of more than four million children and young people across primary, secondary, post-16 and specialist education. This places the association in a strong position to consider this issue from the viewpoint of the leaders of schools and colleges of all types.
2. ASCL welcomes the opportunity to contribute to this consultation. Our response is based on the views of our members, obtained through discussions at ASCL Council, with relevant advisory groups, and prompted and unprompted emails and messages.
3. When considering the impact of any proposals on different groups, it is ASCL's policy to consider not only the nine protected characteristics included in the Equality Act 2010, but also other groups which might be disproportionately affected, particularly those who are socio-economically disadvantaged. We have answered any equality impact questions on this basis.

B. Key points

4. ASCL is extremely concerned about the plans to reduce the number of funded qualifications available to students at all levels. However, we appreciate that this consultation focuses on the regulation of the qualifications, rather than the policy decision itself. We agree that it is essential that funded qualifications are of a high quality, and have a clear purpose leading to good outcomes, including further studies. We are concerned, however, that limiting the range of qualifications limits choice and outcomes for students.
5. At level 2 and below in particular, the landscape is complex, with a long list of qualifications currently approved for public funding. The task of reforming qualifications at level 2 and below so that there will be fewer, higher-quality qualifications and a simpler landscape is particularly challenging, as many of these qualifications serve a dual purpose of leading both to employment and to further study. Destinations for students following programmes at level 2 and below include progressing to further academic and technical qualifications, moving into skilled employment and moving into employment with training (such as apprenticeships). Far from reducing their choices at present, currently these qualifications enable students to keep their options as open as possible.

6. Schools and colleges are experienced at providing appropriate options and advice for their students. Narrowing students' options to a choice between academic GCSEs and A levels or technical qualifications could negatively impact the government's aims for social mobility and closing the disadvantage gap.
7. As with level 3 qualifications, it is ASCL's view that as many of the current level 1 and 2 qualifications as possible must remain available. It is unhelpful to label a single qualification as leading to a single outcome, such as further study or employment. Curriculum, and the assessment which supports it, is too complex to reduce the outcome of qualifications to one progression route.
8. We are therefore concerned about an approach which 'badges' these qualifications as leading only to certain outcomes. We are also concerned about the plan to rapidly change regulation to accommodate the timescale for reform at this level. Learners undertaking qualifications at level 2 and below should have the option to change between qualifications, progression routes and destinations and not be rushed into a progression route because of a policy decision.

C. Answers to specific questions

Question 1: Do you have any comments on the drafting of proposed Condition PQ1 (interpretations and definitions)?

9. Yes. The proposed condition seems reasonable for awarding bodies to follow but is too abstract to provide any useful information to centres or students when it is not yet clear which of the future qualifications will fit into which of the qualification groups. We do not yet know which qualifications at level 2 and below will be funded to run from 2025-27. It would have been helpful to have included these details in this consultation.

Question 2: Do you have any comments on the drafting of proposed Condition PQ7 (Progression Qualification purposes) for:

T Level Foundation Qualifications (Level 2)

10. Yes. This qualification group is relatively new, and centres and students are still finding their way forward with the requirements. The title has been changed from T level Transition Qualifications, but we do not know enough about the progression from T level Foundation to T level to know whether the condition is reasonable or not. We know that the first-year progression rate from the T level transition programme to full T level was just 14% – which led to the level 2 consultation.

Level 2 Technical Progression Qualifications

11. Yes. This qualification group is relatively new, and centres and students are still finding their way forward with the requirements. The title has been changed from T level Transition Qualifications, but we do not know enough about the progression from T level Foundation to T level to know whether the condition is reasonable or not. We know that the first-year progression rate from the T level transition programme to full T level was just 14% – which led to the level 2 consultation.

Level 2 Academic Progression Qualifications

12. Yes. As with technical progression qualifications, the qualification group is generally well known and so the proposed condition PQ7 seems reasonable for the qualifications we assume will be included in this group.

Level 1 Progression Qualifications

13. Yes. These qualifications are starter programmes for young people and adults, including those with SEND. We believe the regulation of these qualifications should be as clear and straightforward as possible so that teachers and students know what is required of them.

Entry level Progression Qualifications

14. Yes. As stated above, the purpose of these starter qualifications must be clear and unambiguous as these qualifications are often taken by students with SEND.

Question 3: Do you have any comments on the drafting of the general purposes for:

- **T Level Foundation Qualifications (Level 2)**
- **Level 2 Technical Progression Qualifications**
- **Level 2 Academic Progression Qualifications**
- **Level 1 Progression Qualifications**
- **Entry level Progression Qualifications**

15. Yes. Notwithstanding the comments made above, the general purposes for all the above qualifications seem reasonable for the types of qualifications which we envisage being allocated to these groups. However, as stated above, it is difficult to comment on abstract groupings when we do not know with certainty what qualifications will be included in which groups.

Question 4: Do you have any comments on the drafting of proposed Condition PQ2 (assessment strategies)?

16. Yes. Condition PQ2 relating to assessment strategies seems reasonable. We merely ask that assessments are not too onerous for the level of study. It must be remembered that this level is the starting point for many young people and adults who wish to progress onto a range of pathways, both academic and technical.

Question 5: Do you have any comments on the drafting of the proposed requirements relating to assessment strategies?

17. Yes. We have said before that assessment strategies should be proportionate at this level. As stated above, assessment strategies should take account of the characteristics of learners taking these qualifications.

Question 6: Do you have any comments on the drafting of proposed Condition PQ4 (assessments)?

18. Yes. We understand that Ofqual will wish to ensure that awarding organisations follow their requirements, but we suggest that any legislation associated with that requirement must be absolutely clear and not open to interpretation.

Question 7: Do you have any comments on the drafting of the proposed guidance relating to assessments?

19. Yes. The guidance on assessment relating to T level foundation programmes seems reasonable, but we ask that assessment in terms of both theory and practice at this level does not become too onerous, as we understand from feedback from our members that it has become on some T level programmes.

Question 8: Do you have any comments on the drafting of the proposed Condition PQ5 (specified levels of attainment)?

20. Yes. Condition PQ5 covers the grading system to be used and the statutory guidance associated with the grading scales. The principles set out in the condition are appropriate for this level of study.

Question 9: Do you have any comments on the drafting of the proposed requirements for T Level Foundation Qualifications (Level 2)?

21. Yes. The proposed requirements for T level Foundation Qualifications appear far more flexible than those for other level 2 and below qualifications. This does not seem unreasonable. It would make sense, however, for the assessment requirements for all level 2 and below qualifications, including T Level Foundation, to have the same requirements. This would ensure consistency while being sufficiently flexible to meet local requirements and student needs.

Question 10: Do you have any comments on the drafting of the proposed guidance relating to specified levels of attainment for Level 2 Technical Progression Qualifications, Level 2 Academic Progression Qualifications, Level 1 Progression Qualifications, Entry level Progression Qualifications?

22. Yes. The proposed guidance is clear and sets out the level of attainment required for qualifications at Level 2 and below. It would make sense for T level progression qualifications to have the same requirements as other progression qualifications.

Question 11: Do you have any comments on the drafting of proposed Condition PQ8 (standard setting)?

23. Yes. PQ8i-iv all seem reasonable. It is important that qualifications are of a high quality and that standards are set at appropriate levels. This goes for levels of attainment, evidence used, and records kept.

Question 12: Do you have any comments on the drafting of the proposed requirements relating to standard setting?

24. Yes. The requirements appear comparable for each level. This is important to demonstrate that qualifications of different types expect similar outcomes from students. We must not forget, however, that qualifications at level 1 and below are often taken by students with SEND and must therefore be as accessible as possible.

Question 13: Do you have any comments on the drafting of proposed Condition PQ3 (Ofqual reviews of qualifications)?

25. Yes. It is appropriate that awarding organisations meet the conditions for Ofqual's review of qualifications. How those reviews are undertaken involves a whole extra set of requirements which were not included in this consultation.

Question 14: Do you have any comments on the drafting of proposed Condition PQ6 (withdrawal of approval for public funding)?

26. Yes. PQ6.3 is vague. It is not clear under which conditions Ofqual would decide that qualifications are not included.

Question 15: Are there any further equality impacts (positive or negative) on students arising from our regulatory approach for Progression Qualifications that Ofqual should consider? Where possible, please separate your answer by protected characteristic.

27. Yes, there are likely to be negative impacts on students with some special educational needs and disabilities (SEND) as they are more likely to be impacted by the withdrawal of funding from current level 2 and below programmes. These students are heavily represented at level 2 and below. It is imperative that they are not further disadvantaged because of these changes.

28. Students from disadvantaged socio-economic backgrounds, where their disadvantage has impacted on achievement, are also more likely to access these qualifications than their wealthier peers.

29. Reducing the number of these qualifications and 'badging' them in the way proposed is likely to undermine efforts towards improving social mobility and levelling up.

Question 16: Other than those identified above, are there any ways in which Ofqual could mitigate potential negative impacts on particular groups of students?

30. Yes. We would expect a full equalities impact on the proposed changes to regulation to accompany Ofqual's response to this consultation. This, in our view, should include the impact on students from disadvantaged socio-economic backgrounds (not currently a protected characteristic). The needs of students with SEND, socio-economic disadvantage and minority ethnic groups must be prioritised when making these changes. We would suggest that reducing the number of qualifications available at levels 1 and 2 will have a negative impact on students with SEND, as these students are the predominant group taking entry, level 1 qualifications and many will also be taking qualifications at level 2.

Question 17: Are there any additional regulatory impacts arising from the proposed regulatory approach to Progression Qualifications? If yes, what are the impacts and are there any additional steps that could be taken to minimise the regulatory impact?

31. These impacts arise not from the regulation itself, but from the reduction in the number of funded qualifications. This impacts on the groups outlined in all our answers above.

Question 18: Are there any costs, savings or other benefits associated with the proposed regulatory approach which have not been identified? Please provide estimated figures where possible.

32. We cannot see any potential savings. There may be additional costs if awarding organisation fees increase because of extra work associated with these requirements. It is important that any extra costs are not passed on to providers.

Question 19: Is there any additional information that Ofqual should consider when evaluating the costs and benefits of the proposed regulatory approach?

33. Yes. Ofqual should be aware of any additional costs for both providers and students (and their families) arising from the proposed regulatory approach. For example, if a student is a fee-paying adult, their fees are likely to be higher because of the impact of increased fees of awarding organisations resulting from the proposed regulatory approach.

Question 20: Do you have any comments on the impact of the proposals on innovation by awarding organisations?

34. Yes. We question whether smaller awarding organisations, with less administrative support, have the capacity to innovate within the proposed regulatory framework.

D. Conclusion

35. As mentioned above, we appreciate that this consultation focuses on the regulation of level 2 and below qualifications, rather than the policy decision to structure all level 2 and below qualifications into groups with specific outcomes and progression routes. However, we feel it important to raise our concerns again in this response, since changes are currently planned to take place in terms of these qualifications within two years.
36. We hope that this response is of value to your consultation. ASCL is willing to be further consulted and to assist in any way that it can.

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Association of School and College Leaders
13th September, 2023

A few stylistic points

- We treat organisations, including ourselves, as singular – so ‘ASCL believes’ rather than ‘ASCL believe’; ‘Ofsted is’ rather than ‘Ofsted are’.
- The first time you use an acronym, spell it out, with the acronym included in brackets afterwards. Subsequently, just use the acronym. So ‘Research from the Education Policy Institute (EPI) tells us that... Furthermore, EPI researchers found that...’.
- Use the definite article when talking about the government and the education department – so ‘The government should...’, ‘The department should...’, ‘The Department for Education should...’. But don’t use it when you abbreviate the Department for Education to DfE – so ‘DfE should...’.
- Consider using shorter sentences. If your sentence spans more than two lines, chances are the reader will start to lose the thread. Consider whether it could be broken up into two or more shorter sentences.
- If you refer to other publications, hyperlink to them from the main text. Don’t worry about also including them as footnotes.
- Fonts and font sizes should be as in the template, i.e. Arial 14 point for the title, 12 point for the headings, 11 point for the main text (including questions and answers).
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