

Ofqual consultation on regulating level 1 and 2 qualifications designed to lead to employment

Response of the Association of School and College Leaders

A. Introduction

1. The Association of School and College Leaders (ASCL) is a trade union and professional association representing over 24,000 education system leaders, heads, principals, deputies, vice-principals, assistant heads, business leaders 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 government's plans to reduce the number of qualifications available to students at all levels. We appreciate that this consultation focuses on the regulation of a subset of those qualifications, rather than this policy decision in itself. We also agree that it is essential that funded qualifications are of a high quality, and have a clear purpose leading to good outcomes, including employment. We are concerned, however, that limiting the range of qualifications limits outcomes for employment.
5. We recognise that, at level 2 and below in particular, the landscape is complex, with thousands 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 taking academic and technical qualifications, moving into skilled employment, and moving into employment with training (such as apprenticeships). Far from reducing their choices, as the government appears to fear, taking these qualifications often enables students to keep their options as open as possible. Employers who rely on their staff gaining these

qualifications prior to entry to employment, or whilst in employment, want staff who are competent in a wide range of skills.

6. An ongoing degree of complexity in the system is necessary in order to meet the current and future needs of students. The assumption that this complexity makes qualification choice difficult to navigate is wrong: 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 vocational 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 applied general qualifications must remain available at levels 1 and 2. It is unhelpful to label a single qualification as either leading to further study or to employment. We hope that Ofqual agrees that assessment, and the curriculum that supports it, is more complex than that.
8. We are therefore concerned about Ofqual's approach to 'badging' these qualifications as leading only to employment, and 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, change progression routes and go into other full-time study, employment or training if they wish to, rather than being hamstrung by an assessment strategy which sees the only outcome of some qualifications as leading directly into employment.

C. Answers to specific questions

Question 1: To what extent do you agree or disagree with the proposal to require an awarding organisation to develop, follow and keep under review an assessment strategy?

9. Agree. Awarding organisations should develop and keep under review an assessment strategy to ensure that they operate for all their qualifications in a structured and transparent way. However, we are concerned about the timescale for making the changes proposed in this consultation.

Question 2: To what extent do you agree or disagree with the proposal to require an awarding organisation, following a review by Ofqual, to comply with any requirements, and have regard to any guidance, specified to it by Ofqual in relation to the qualification?

10. Agree. Whilst we would not want the Ofqual requirements to be unduly demanding, it is the role of Ofqual to set out requirements and guidance to awarding organisations, and we should expect awarding organisations to comply in relation to the qualifications they administer. It is clearly the role of Ofqual to ensure that the requirements laid down are appropriate and proportionate for the qualifications concerned. However, we are concerned about the timescale for changing requirements outlined in this consultation.

Question 3: To what extent do you agree or disagree with the proposal to require an awarding organisation to notify Ofqual when a qualification ceases to be approved for public funding, and to comply with any additional requirements that Ofqual specifies as a result?

11. Neither agree nor disagree. Whilst awarding bodies should notify Ofqual of qualifications which they provide when they cease to be funded, it is also the role of Ofqual to keep

abreast of any changes which impact on qualifications. There should be a transparent framework indicating what regulatory changes are expected if a qualification is defunded. This will allow awarding organisations to make informed choices about their offer, and help protect student interests.

Question 4: Do you have any comments on Ofqual's proposed approach to regulating level 1 qualifications that are prerequisites to employment?

12. Yes. The proposed approach to regulating level 1 qualifications that are prerequisites to employment seem sensible. The current system seems to work, and there is no apparent need for change in the regulatory approach here.

Question 5: Do you have any comments on the drafting of proposed Condition TOQ1 (relating to interpretations and definitions)?

13. Yes. The drafting of the proposed condition seems sensible, though one would hope that the wording would be clear in the first place and not open to interpretation.

Question 6: Do you have any comments on the drafting of proposed Condition TOQ2 (relating to assessment strategies)?

14. Yes. The wording of condition TOQ2 seems sensible. However, the final point relating to ensuring that any recommendation by Ofqual is actioned has left this open to interpretation. If a recommendation must be actioned, then it is a requirement and not a recommendation.

Question 7: Do you have any comments on the proposed requirements relating to assessment strategies for level 2 qualifications designed to lead to skilled employment?

15. Yes. The list included in the consultation seems sensible. It is also important to keep the assessment strategy under review, along with any associated legal or health and safety requirements. We are in favour of sensible regulation; it is the timescale for bringing about change which concerns us.

Question 8: Do you have any comments on the drafting of proposed Condition TOQ3 (relating to reviews of qualifications by Ofqual)?

16. Yes. This condition seems appropriate, but we would expect Ofqual to have appeals processes in place if awarding organisations believe that the outcome of a review of a qualification will not work for the qualification in question. This process should be published and transparent.

Question 9: Do you have any comments on the drafting of proposed Condition TOQ4 (relating to the withdrawal of approval for public funding)?

17. Yes. The proposed condition TOQ4 seems appropriate. However, please see our answer to Question 3 above. Ofqual should itself keep abreast of changes and not rely solely on a third-party submission for its intelligence.

Question 10: Are there any further equalities impacts (positive or negative) on students arising from our proposed regulatory approach to level 1 and 2 qualifications designed to lead to employment that Ofqual should consider? Where possible, please separate your answer by protected characteristic.

18. 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 as a result of these changes.
19. 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.
20. Reducing the number of these qualifications and 'badging' them in the way proposed is likely to undermine government efforts towards social mobility and levelling up.
21. 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).

Question 11: Other than those identified above, are there any ways in which Ofqual could mitigate potential negative impacts on particular groups of students?

22. Yes. The needs of students living 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 level 1 and 2 qualifications which lead to employment.

Question 12: Are there any additional regulatory impacts arising from the proposed regulatory approach to level 1 and 2 qualifications designed to lead to employment? If yes, what are the impacts and are there any additional steps that could be taken to minimise the regulatory impact?

23. Yes. 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 our answer to Question 11 above.

Question 13: 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.

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

Question 14: Is there any additional information that Ofqual should consider when evaluating the costs and benefits of the proposed regulatory approach?

25. Yes. Ofqual should be aware of any additional costs for both centres 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 increased costs to awarding organisations as a result of the proposed regulatory approach.

Question 15: Do you have any comments on the impact of the proposed regulatory approach on innovation by awarding organisations?

26. We question whether smaller awarding organisations will have the capacity to innovate within the proposed regulatory framework.

D. Conclusion

27. We are concerned about the way in which level 2 and below qualification reforms will impact on students, particularly those with certain protected characteristics and socio-economic disadvantages. We have set out those concerns in our response.

28. Whilst we understand that this consultation is about regulation to improve the quality of funded qualifications, it is ASCL's strong view that removing some qualifications from funding, and therefore restricting student choice, does not automatically improve the quality of those qualifications which continue to be funded. When choice is limited, high quality does not necessarily follow.

29. 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 we can.

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- 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.
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