

Ofqual consultation on regulating level 2 and below qualifications supporting progression to higher levels of study

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 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 a subset of 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 higher 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 taking academic and technical qualifications, moving into skilled employment, and moving into employment with training (such as apprenticeships). Far from reducing their choices at present, taking these qualifications enables 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 applied general qualifications as possible must remain available at levels 1 and 2. It is unhelpful to label a single qualification as either 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; in the case of this consultation, to higher study. 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 as a result of a policy decision.

C. Answers to specific questions

Question 1: To what extent do you agree or disagree with the proposal for Ofqual to include a set of general purposes in its regulatory framework for level 2 technical qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme?

9. Agree. Notwithstanding our comments above, this seems a sensible approach. However, the scope of the strategy, as set out in the consultation document, seems to be on more than assessment. It appears to cover the content of the level 2 technical qualification too.

Question 2: Do you have any comments on the proposed set of general purposes for level 2 technical qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme?

10. Yes. We agree with some of the areas in scope for awarding organisation (AO) assessment strategies, but not all. The scope of the proposed assessment strategy is very broad, including qualification purposes, content, assessment design and delivery, marking, grading, assessing performance, attainment and reporting, standard setting and maintenance and qualification monitoring. This broad coverage provides little scope for flexibility in qualification design.
11. The general purpose for qualifications supporting progression to higher study is that the qualification will provide students with a breadth of knowledge, skills, and understanding that prepares them for higher study. We agree with this.
12. Alongside this, students must demonstrate their ability to apply their knowledge, skills and understanding in relevant contexts. It is important that these qualifications provide opportunities to apply knowledge and skills in practical contexts, to help students prepare for what they will experience if they progress to a higher qualification in a specific subject. However, we query if this breadth of knowledge and skill is expecting too much of level 2 qualifications.

13. The programme, which leads to the achievement of the qualification, must engage, and motivate students who are preparing for study at a higher level. Students may not have sufficient attainment to study a higher level directly from GCSE, or may have other areas of development or support needs. It is important that qualifications at level 2 and below assist students to gain the confidence to progress, rather than restrict them.
14. The programme will also inform decisions about a student's readiness to progress to a higher level. However, at level 2 and below, qualifications do not necessarily always need to lead to higher study. In some cases, students may wish to progress to another specific qualification at the same level. In this case, they must be able to demonstrate attainment of knowledge and skills which are not about readiness to progress to a higher level.
15. It is important at level 2 and below that reliable evidence differentiates students' performance so that they can select other routes, including jobs and apprenticeships. This is especially the case for students who choose not to, or are unable to, progress to a higher level.

Question 3: To what extent do you agree or disagree that, where it is not possible to fully meet all of the general purposes specified for these level 2 qualifications, awarding organisations should prioritise them in the order (1 to 5) in which they are specified? Please provide any comments.

16. Agree. Awarding organisations should prioritise the general purpose of a qualification, so that providers and students are aware of the breadth of knowledge, skills and understanding which attainment of that qualification demonstrates. Preparing students for study in level 3 technical qualifications that are not delivered as part of a T level programme (purpose 1) and demonstrating students' ability to apply their knowledge, skills and understanding in relevant practical contexts (purpose 2) should be priorities at this level. Prioritising the general purposes in the order in which they are specified should support a consistent approach to regulating level 2 and below qualifications.

Question 4: To what extent do you agree or disagree with the proposal for Ofqual to include a set of general purposes in its regulatory framework for level 2 qualifications supporting progression to level 3 alternative academic qualifications?

17. Agree. The general purpose of level 2 qualifications should demonstrate some understanding of theoretical content, be engaging and provide evidence of a student's ability to apply content in a range of relevant contexts. However, our concern with all the proposed regulatory changes to level 2 qualifications, including to the general purpose, is that these qualifications should not become overly academic.

Question 5: Do you have any comments on the proposed set of general purposes for level 2 qualifications supporting progression to level 3 alternative academic qualifications?

18. Yes. As stated in paragraph 17 above, the general purposes for level 2 qualifications supporting progression to level 3 seem reasonable. However, the practical nature of level 2 qualifications should not be lost in the regulation; nor should these qualifications become overly academic.

Question 6: To what extent do you agree or disagree that, where it is not possible to fully meet all of the general purposes specified for these qualifications, awarding

organisations should prioritise them in the order (1 to 5) in which they are specified? Please provide any comments.

19. Agree. As stated in paragraphs 16-18, if level 2 and below qualifications cannot meet all of the general purposes specified, AOs should prioritise those they can meet in priority order. Purposes 1 and 2 as specified are key priorities for level 2 and below qualifications when leading to higher study.

Question 7: To what extent do you agree or disagree with the proposal to disapply General Conditions E1.1 and E1.2 in respect of both of these groups of level 2 qualifications? Please provide any comments.

20. Agree. Disapplying these conditions should ensure there is no conflict or duplication between these general purposes and Ofqual's General Conditions.

Question 8: To what extent do you agree or disagree with the proposal for Ofqual to include a set of general purposes in its regulatory framework for level 1 qualifications supporting progression to higher level technical qualifications?

21. Disagree. Level 1 qualifications supporting progression are often taken by students with SEND. If these qualifications are badged into occupational routes, they are likely to present barriers to flexible outcomes for students taking qualifications at this level.

Question 9: Do you have any comments on the proposed set of general purposes for level 1 qualifications supporting progression to higher level technical qualifications?

22. Yes. We have no problem with Ofqual requiring AOs to set out the general purpose of a qualification at entry and level 1. However, we do have a concern about these qualifications being treated like higher level programmes when they are, in fact, an introduction to study, skills or employment rather than to specific jobs.

Question 10: To what extent do you agree or disagree that, where it is not possible to fully meet all of the general purposes specified for these qualifications, awarding organisations should prioritise them in the order in which they are specified, where 1 is the highest priority? Please provide any comments.

23. Agree. As stated above in paragraphs 16-19, if AOs cannot meet all of the general purposes specified, they should prioritise those they can meet in priority order as specified. Proposed purposes 1 and 2 are key priorities for level 1 and below qualifications leading to higher study. However, we repeat our concern that the qualifications at this level should not become too academic for the students who take them.

Question 11: To what extent do you agree or disagree with the proposal for Ofqual to include a set of general purposes in its regulatory framework for entry level qualifications supporting progression to level 1 pre-technical qualifications?

24. Agree. However, at entry level, learners are often undecided about their destination, and we do not want these qualifications to become overly academic, as mentioned in paragraphs 16-19 above.

Question 12: Do you have any comments on the proposed set of general purposes for level 1 pre-technical qualifications supporting progression to higher level technical qualifications?

25. Yes. We strongly agree that these qualifications should be engaging. They should also not present barriers to those wishing to progress to a range of higher-level qualifications.

Question 13: To what extent do you agree or disagree that, where it is not possible to fully meet all of the general purposes specified for these qualifications, awarding organisations should prioritise them in the order in which they are specified, where 1 is the highest priority? Please provide any comments.

26. Neither agree nor disagree. Awarding organisations should prioritise the general purposes of qualifications but there may be good reasons why they are not able to prioritise them in the order in which they are specified in the consultation. Awarding organisations should be given the opportunity to justify their choice of priorities.

Question 14: To what extent do you agree or disagree with the proposal to disapply General Conditions E1.1 and E1.2 in respect of these entry level and level 1 qualifications? Please provide any comments.

27. Neither agree nor disagree. Qualifications at entry and level 1 should have specified objectives, but the process of disapplying the General Conditions E1.1 and E1.2 would mean the qualifications could be more flexible in structure and assessment. This would, we believe, be beneficial at this level of qualification.

Question 15: To what extent do you agree or disagree with the proposal for Ofqual to issue statutory guidance for the grading scales used in the qualifications in scope of this consultation? Please respond for each qualification group.

28. For level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme, we **agree** with the proposal to issue statutory guidance for grading used in qualifications in scope.

29. For level 2 qualifications supporting progression to level 3 alternative academic qualifications, we **agree** with the proposal to issue statutory guidance for grading used for qualifications in scope.

30. For level 1 pre-technical qualifications supporting progression to higher level technical qualifications, we **disagree** with the proposal to issue statutory guidance for grading used for qualifications in scope for the reasons set out in paragraphs 26 and 27 above.

31. For entry level qualifications supporting progression to level 1 pre-technical qualifications, we **disagree** with the proposal to issue statutory guidance for grading used for qualifications in scope for the reasons set out in paragraphs 26 and 27 above.

Question 16: To what extent do you agree or disagree with the proposed principles and considerations to determine the grading scales for the qualifications in scope of this consultation? Please respond for each qualification group and provide any comments.

32. For level 2 qualifications supporting progression to level 3 technical qualifications that are not delivered as part of a T Level programme, we **agree** with the proposed principles and considerations for determining the grading scales for the qualifications in scope.

33. For level 2 qualifications supporting progression to level 3 alternative academic qualifications, we **agree** with the proposed principles and considerations for determining the grading scales for qualifications in scope.
34. For level 1 pre-technical qualifications supporting progression to higher level technical qualifications, we **disagree** with the proposed principles and considerations for determining the grading scales for the qualifications in scope for the reasons set out in paragraphs 26 and 27 above.
35. For entry level qualifications supporting progression to level 1 pre-technical qualifications, we **disagree** with the proposed principles and considerations for determining the grading scales for the qualifications in scope for the reasons set out in paragraphs 26 and 27 above.
36. For all level 1, entry and pre-entry qualifications, we **disagree** that grading should be as determined as set out in the consultation, as these qualifications are often taken by students with a range of special educational needs and disabilities.

Question 17: To what extent do you agree or disagree with the proposal to require awarding organisations to develop, follow, and keep under review an assessment strategy? Please provide any comments.

37. Agree. This is sensible in terms of the qualifications under review.

Question 18: Do you have any views on the areas proposed to be included in the assessment strategy requirements?

38. Yes. Whilst we understand the need for regulation, we do not wish the proposed approach to become disproportionately weighty in terms of regulation.

Question 19: To what extent do you agree or disagree with the proposal to require awarding organisations, 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? Please provide any comments.

39. Agree. However, awarding organisations should have the opportunity to appeal against Ofqual requirements if these are likely to cause problems to centres and students.

Question 20: To what extent do you agree or disagree with the proposal to require awarding organisations 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? Please provide any comments.

40. Neither agree nor disagree. This is something which Ofqual ought to have oversight of as well as awarding organisations.

Question 21: Are there any other potential equalities impacts (positive or negative) on students who share a particular protected characteristic arising from our proposals that Ofqual should consider? Where possible, please separate your answer by protected characteristic.

41. 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.

42. 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.
43. 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.
44. 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 22: Are there any additional steps that Ofqual could take to mitigate any potential negative impacts, resulting from the proposals, on students who share a particular protected characteristic?

45. 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 entry, level 1 and 2 qualifications.

Question 23: Are there any regulatory impacts that have not been identified arising from the proposals? If yes, what are the impacts and are there any additional steps that could be taken to minimise the regulatory impact of the proposals?

46. 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 all our answers above.

Question 24: Are there any costs, savings or other benefits associated with the proposals which have not been identified? Please provide estimated figures where possible.

47. 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 25: Is there any additional information that Ofqual should consider when evaluating the costs and benefits of the proposals?

48. 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 resulting from the proposed regulatory approach.

Question 26: Do you have any comments on the impact of the proposals on innovation by awarding organisations?

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

D. Conclusion

50. We are concerned about the way in which level 2 and below qualification reforms will impact on students, particularly those with protected characteristics, and we have set out those concerns in our response. Whilst we understand that this consultation is about regulation to improve the quality of qualifications which progress towards T level transition programmes, we wish to make clear that removing some qualifications from funding and restricting choice does not automatically improve the quality of those which are funded. When choice is limited, high quality does not necessarily follow.
51. 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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