Institute for Apprenticeships and Technical Education

# Consultation Decisions: Changes to the Mandatory Qualifications Criteria

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# 1. Introduction

# 2. Consultation details

Our consultation on proposed changes to the mandatory qualifications criteria was open between 15 December 2022 and 17 February 2023. The consultation related to apprenticeships at all levels but excluded degree apprenticeships, for which we updated our policy in 2022.[1]

We received 322 written responses to our consultation that used the online survey platform. A further six respondents provided responses via email to our consultation mailbox. In addition, we held six consultation events with 185 attendees consisting of employers, trailblazers, route panel members, awarding organisations, end-point assessment organisations (EPAOs), training providers and our apprentice panel. We have considered the feedback and comments gathered during these events to inform our decisions.

A full analysis of the responses we received is published alongside this decisions document.

# 3. Summary of decisions

In response to consultation feedback, we have:

- Expanded what we mean by 'labour market requirement' to include qualifications which support progression through an established career path, therefore filling skills gaps at a later stage in an apprentice's career.
- Expanded 'regulatory requirement' to 'regulatory and legal requirement'. This will ensure that essential qualifications required by central regulators, as well as qualifications which fulfil other legal requirements but are not viewed as 'regulatory requirements', continue to be mandated.
- Included a provision to allow, in exceptional circumstances, qualifications to deliver content which goes beyond that which is set out in the occupational standard.

[1] https://www.instituteforapprenticeships.org/developing-new-apprenticeships/degree-apprenticeships/

- Developed our position on how mandatory qualifications interact with other approval processes. This will ensure that comparable approved qualifications are considered for inclusion as mandated qualifications.

We have adopted our other proposals unchanged.

# 4. Implementation

We will publish the new mandatory qualifications criteria on 6 June 2023. They will come into effect from 6 July 2023, meaning that they will apply to any submissions of new and revised apprenticeships into cycle 49 onwards. The deadline for cycle 49 submissions is 6 September. There are two exceptions:

- Where such a submission relates to a previously returned case which was submitted in line with the outgoing policy. In such circumstances, we will accept a resubmission based on the outgoing policy until the apprenticeship is approved.
- Where the apprenticeship proposal was submitted and approved in a previous cycle, with a significant amount of work on drafting the standard and EPA plan having already been undertaken. In these circumstances, consideration will be given to accepting a draft in line with the outgoing mandated qualifications policy.

The introduction of the new policy does not mean that all existing apprenticeships need to be compliant with it by the 6 July 2023. Instead, existing apprenticeships need to become compliant with the new policy as and when revisions to them are submitted from this date onwards.

Any new apprenticeships beginning their development on or after 6 July 2023 must use the new criteria.

Any trailblazer who wishes to develop their apprenticeship to align with the new criteria before 6 July 2023 may do so, and we will support them in applying the new criteria.

Detailed guidance to support the application of the criteria, together with detailed process and implementation guidance, will be available from July 2023.

# 5. Decisions

## 5.1. Reasons to mandate a qualification in an apprenticeship

We proposed that qualifications should only be mandated where they fulfil a regulatory, professional body, or labour market requirement.

We proposed to no longer allow qualifications to be mandated where they provide structure for off-the-job training or provide ‘fuller occupational coverage’ alone.

**Responses received**

Overall, respondents were supportive of our approach. However, a number of respondents noted that our labour market requirements need to be broad enough to allow for qualifications that are essential for future career progression. Feedback through our engagement also highlighted some confusion about whether ‘regulatory requirement’ sufficiently covered a number of qualifications, including those required by central regulators whose requirements sit across many occupations and sectors (such as the Health and Safety Executive) or other bodies with legal oversight of an occupation.

We received a number of comments suggesting flexibility in allowing qualifications where they provide fuller occupational coverage. Many of these views were also expressed when we asked about alignment with the knowledge, skills and behaviours of the occupational standard, so we address them fully in section 5.4 of this document. We also received comments that qualifications should be mandated solely to provide structure to off-the-job training and to support curriculum planning.

**Decision**

In response to consultation feedback, we have developed our position on the labour market requirement. Apprenticeships are jobs with training, and their primary purpose is to secure entry into and progression within the labour market. Where trailblazers can demonstrate that studying a qualification is essential for future career progression in the apprentice’s field, and that mandating a qualification will support sector-specific progression, we want to support that approach.

In order to deliver this, the guidance which accompanies the new criteria will set out an explanation of ‘labour market requirement’ to also include future labour market progression. This will support movement along clear and established occupational routes. Such qualifications, by facilitating progression to further study, will be supplying key skills to the labour market, albeit at a slightly later point. The evidence

requirements and relationship to the labour market will be further explained in the supporting guidance which will accompany the new criteria.

To make our expectations about what constitutes a 'regulatory requirement' clearer, we have amended the wording of this requirement to 'regulatory or legal requirement' and explain fully what could be captured under this requirement in the criteria's accompanying guidance.

We intend to take forward our proposals not to allow mandates on the grounds of providing structure to the apprenticeship alone. Mandating a qualification to support the structure of teaching and learning by a specific employer and provider combination would require all apprentices at other employer and provider combinations to deliver and achieve that qualification. As we set out in the consultation document, how learning is delivered is a teaching and learning consideration, with training providers and their tutors being best placed to tailor the delivery of training to best meet the needs of employers and apprentices. In order to meet those needs, and to ensure there are no unnecessary hurdles for apprentices, we do not consider that qualifications should be used in this way.

We intend to take forward our proposal not to allow mandates solely on the grounds of adding depth and breadth to the apprenticeship. One main point of feedback was that qualifications can be used to stretch and challenge more able apprentices. We think, as all apprentices are required to undertake mandated qualifications, that such usage would introduce unnecessary hurdles and potentially disadvantage the majority of apprentices. There were other concerns regarding the potential loss of essential content, which are covered in section 5.4.

## 5.2. Evidence of necessity

We proposed to introduce more specific evidence requirements when mandating a qualification in an apprenticeship.

**Responses received**

Respondents were supportive of our proposals. They thought our approach was reasonable and appropriate, and welcomed the greater transparency and clarity our proposals sought. Respondents noted the need for clear guidance, and some warned of the risk of an overly bureaucratic process.

**Decision**

We are taking forward these proposals as set out in our consultation document. Currently, we require relatively little evidence of necessity to be submitted to justify the inclusion of a mandated qualification. To protect the integrity of apprenticeships and ensure only necessary qualifications are funded and delivered to apprentices, we will strengthen our current evidence requirements in the new criteria. This will include:

- For regulatory or legal requirements, evidence of the specific regulation or legal requirement which refers to the qualification. We would also expect the qualification to feature on a regulator's published list of accepted qualifications, as per the Professional Qualifications Act 2022.
- For professional body requirements, evidence that the qualification is an essential requirement for professional registration, and evidence of the value and necessity of professional body registration. We will also require evidence that the professional body has worked with the trailblazer to develop the occupational standard, to align the apprenticeship with the body's professional standards for recognition.
- For labour market requirements, evidence must be submitted to demonstrate the requirement for the qualification in recruitment practices and how employers have been engaged (and continue to be engaged) in the development of the qualification to ensure it meets their needs. A short rationale must be submitted which references the evidence supplied and explains how it demonstrates employer need for the qualification and any disadvantage an apprentice would be subject to without the qualification.

We recognise the need for clear guidance to support this element of our proposal, which we will provide in the guidance that supports the new mandatory qualifications criteria. We are also taking steps to minimise unnecessary burden on trailblazers, awarding bodies, or anyone else who may be involved in supplying evidence of necessity. This will include ensuring the volume of evidence required is reasonable and proportionate, and making use of the evidence we already hold for IfATE approved qualifications (see section 5.3).

## 5.3. Specific mandates and coherence with qualification approval processes

We proposed that where a qualification has not been approved through one of our approval processes, that outcome should inform its suitability for use in an apprenticeship.

We also proposed to move away from generic mandates, and instead require a list of the precise qualifications that fulfil a mandate to be submitted.

**Responses received**

Respondents were supportive and agreed that qualification approval outcomes should support mandatory qualifications decision making. Some noted the importance of allowing qualifications which have not been through any prior approval processes to be included in apprenticeships where justified, and some suggested the need for clear and transparent approval processes. Feedback to the consultation also referred to our proposals supporting a more joined-up approach across technical education approvals.

We received very strong support for removing generic, high-level qualification mandates, with a general consensus that the use of exact qualification mandates would be beneficial to all. However, respondents noted the need for agility in being able to update the list, and a need to ensure that specific mandates did not unfairly restrict the market or encourage monopolistic behaviour. Again, the need for clear and transparent processes was noted.

**Decision**

We have decided to progress with these proposals. We recognise the complexities in generating a specific qualification list and ensuring the right qualifications are captured on that list. We will ensure, through our processes, that the list of mandated qualifications is able to be as responsive as possible and is a fair and accurate representation of the qualifications that would fulfil a mandate.

We set out in the consultation that decisions taken by other IfATE approval processes should inform mandatory qualifications decisions, and that careful thought should be given to the qualification's suitability for apprenticeships. We also signalled that where we hold adequate evidence of necessity and employer engagement elsewhere (for example, where it has been submitted as part of an application for IfATE approval), it would likely satisfy our evidence requirements with regard to the mandatory qualification policy. Responses to the consultation indicated that respondents would

welcome greater coherence across the apprenticeship and technical qualification offer and there was an appreciation of our intention to minimise approval bureaucracy.

Listening to feedback we received, we have developed our position on coherence and specificity. It is not our intent to restrict the qualifications market in any way – only to ensure that the qualifications mandated for apprentices are necessary, add value to the apprenticeship programme, and apprentices are protected from inadvertently studying qualifications that differ from employers', professional bodies' or regulators' expectations. Where a qualification has been approved or not approved through one of our approval processes (for example, HTQs and post-16 Level 2 and 3 qualifications), we will consider the outcome, which may inform our decision on its suitability for use in apprenticeships. By this, we mean that where a qualification has been successful (or not) we will look to the reasons why and see whether that same judgement applies in an apprenticeship context. As noted in the consultation document, this does not mean that an approved qualification is automatically accepted, nor that an unapproved qualification is automatically discounted. We will work with trailblazers to review each mandatory qualification proposal on a case-by-case basis, carefully considering its necessity and the ways in which the qualification supports apprenticeship delivery and assessment, to ensure the best outcomes for apprentices and their employers.

HTQs and IfATE approved post-16 Level 2 and 3 qualifications are based on the same occupational standards as apprenticeships. As part of this approval process, the necessity of, and employer demand for, the qualifications must be demonstrated. Therefore, to ensure that qualifications and apprenticeships are complementary, strengthen coherence across the technical education offer, and ensure that high-quality qualifications are delivered to apprentices, we have developed our position on how mandatory qualifications interact with approved, equivalent qualifications.

Where a qualification has been mandated, if there is a comparable IfATE approved qualification which could be mandated, this must be considered by the trailblazer to judge whether it is suitable for inclusion in an apprenticeship. We would expect these qualifications to share a number of features with the qualifications approved for mandate – for example, comparable size, content and title, and alignment with the same occupational standard. Where trailblazers do not think the approved qualification is suitable, they must submit a rationale explaining why for IfATE to take into consideration.

To ensure the list of eligible qualifications remains up-to-date and accurate, our processes will allow for changes and updates to the list of mandatory qualifications, including adding qualifications to the list, without necessarily triggering a wider revision of the standard itself. This will depend on the nature of the changes (i.e. a change to the content of a qualification would warrant a different response to a title change with no material change to the qualification itself), and more details on updating the qualification list will be available in due course.

We have listened to concerns about the risk of market distortion, should the list of acceptable mandatory qualifications not be full and comprehensive. Therefore, we will also provide opportunity for awarding bodies to review the mandatory qualifications in an apprenticeship and identify any of their own qualifications which they believe are comparable and should be included for consideration, as part of the apprenticeship development process.

## 5.4. Alignment with the KSBs of the standard

We proposed that the content of all mandated qualifications should align with the knowledge, skills and behaviours set out in the occupational standard.

**Responses received**

While over half of respondents agreed with this proposal, considered alongside responses to question 2 (which proposed no longer allowing qualifications to be mandated which provide depth and breadth to the apprenticeship alone) respondents noted three main challenges:

- Respondents valued being able to use qualifications to deliver content that goes beyond the standard, particularly to stretch and challenge more able apprentices.
- Respondents were concerned that, through our proposals, essential content would be lost.
- Respondents argued that qualifications could be more reactive to emergent issues, such as developments in technology or addressing emerging skills needs.

**Decision**

A key driver for updating the policy was to ensure comparability of the offer and outcomes for apprentices – to ensure fairness and remove any unnecessary barriers to completion. Where there are several qualifications fulfilling a single mandate, and the content of those qualifications does not wholly align with the standard, this introduces greater variance in the offer to apprentices. The greater the variance the harder it is to maintain comparable outcomes across the qualifications on offer.

This is especially true where qualifications are delivering additional content to provide stretch and challenge. By virtue of being mandated, all apprentices must undertake mandatory qualifications. Where those qualifications are supporting the most able, there is a significant risk that they pose a barrier to completion for other apprentices, even though they are reaching the relevant competency standard. We therefore consider that qualifications should not be mandated to fulfil this purpose.

There was a concern amongst respondents that essential content would be lost as a result of our proposals – with comments suggesting qualifications should be allowed to continue to deliver essential content that sits outside the KSBs of the standard. It is not our intention that essential content is removed from the apprenticeship. Rather, we anticipate that where content is deemed essential, it will be incorporated into the standard through writing new, additional KSBs or revising existing KSB statements. Any content that is not essential should be removed from the mandated qualification, or the qualification should not be mandated.

The arguments made by respondents around using qualifications to support innovation were more compelling and reflect some of the policy challenges that IfATE's work on post-16 qualifications at levels 2 and 3, HTQs, and future skills already seek to address. Respondents were often critical of IfATE's agility in reviewing occupational standards, suggesting that qualifications could be updated and respond to innovation and skills gaps more quickly and easily than the standards. As such, we have included a provision in the criteria to allow qualifications to deliver additional content in exceptional circumstances, such as occupations that see technology evolve and develop at speed, pending the KSBs in the apprenticeship being updated at a later date. This may also help to address some of the concerns respondents had about mandating approved qualifications (such as HTQs and IfATE approved L2 and 3 post-16 qualifications) which may include content that extends beyond the standard.

Our new criteria sets out that, where a qualification's content is essential and cannot immediately be incorporated into the standard, a rationale with supporting evidence is submitted to us for consideration as part of the apprenticeship development process.

## 5.5. Level of the qualification

We proposed that the level of a mandated qualification should be the same as or lower than the level of the apprenticeship.

**Responses received**

Respondents were very supportive of this proposal. Some noted rare occurrences where a qualification required for regulatory purposes, for example health and safety qualifications at Level 3, may be higher than the level of the apprenticeship.

**Decision**

We will take forward our proposal that mandated qualifications must be at the same or lower level than the apprenticeship. We think this will ensure that the level of demand of the qualification and its assessments is appropriate, and prevent qualifications being a barrier to completion. Mandating a qualification at a higher level potentially introduces issues of fairness for the apprentice and their achievement. For example, an apprentice learner could operationally be at the right level but find themselves unable to complete their apprenticeship because they are unable to achieve the higher-level qualification. A higher-level qualification could require a higher level of literacy or numeracy than the apprenticeship warrants, again introducing a potential barrier for apprentices being able to complete the qualification, and therefore their apprenticeship.

We note that there may be rare occurrences where a regulated profession requires a qualification at a higher level. In these circumstances, we will work with trailblazers to ensure that apprentices continue to undertake the qualifications required to meet regulatory requirements.

## 5.6. Integrating a mandated qualification with the end-point assessment

We proposed that where a qualification could be integrated, it must be integrated with the end-point assessment. All integrated qualifications should assess the same subset of KSBs, and only one subset should be identified per standard. We also proposed that multiple, small qualifications must not be used to assess the subset.

We proposed that, rather than introduce grading criteria, the EPA's assessment plan must make it clear which of the qualification's grade boundaries would constitute a pass for the EPA.

**Responses received**

Respondents were supportive of our proposals for integration, agreeing with the benefits set out in the consultation. However, it was clear from comments that respondents were concerned about the potential complexity of integration, with some fearing that we were proposing a 'one-size-fits-all' approach. Comments also noted the need for clarity in the criteria and supporting guidance.

Respondents were very supportive of our approach to grading, and felt it was necessary to ensure clarity and alignment between the qualification and the EPA.

**Decision**

We are taking forward our proposals on integration, but have made a number of clarifying points in the criteria. We are also committed to delivering integration that

works across all apprenticeships, and supporting employers in developing the best approach for each apprenticeship.

We are not prescribing a particular approach to integration, but rather ensuring that integration delivers the following aims:

- The award or certification of both the qualification and the apprenticeship are aligned and take place within the same period.
- The award or certification of both the qualification and the apprenticeship is contingent upon the apprentice being awarded a passing grade for at least one shared assessment.
- All reasonable steps are taken to remove duplicated assessment across the integrated qualification and the EPA.

We think that this is the best way of ensuring apprentices leave their training with the best evidence of the knowledge, skills and behaviours they have acquired, and the majority of respondents agreed with this position.

We already have a number of apprenticeships that deliver integrated qualifications, and there are further instances of trailblazers choosing to employ the approach set out in our consultation ahead of decisions being taken, as they are supportive of the approach.

In order to ensure integration does not become unnecessarily complex, we set out in our consultation an expectation that all integrated assessments would assess the same subset of the KSBs, and set out some expectations about how that subset should be assessed. Through our work with those already implementing integration and in response to consultation feedback, we have made some points of clarification, as follows. These are reflected in the new criteria.

Where the decision has been taken to integrate a mandated qualification, if there are several qualifications which are listed in the mandate, then all of the qualifications listed must be integrated. When this is the case, all reasonable steps must be taken to ensure that the design of the integrated assessment is comparable.

In the consultation, we proposed that the subset of KSBs could not be assessed by multiple, small qualifications. Some respondents interpreted this as not allowing multiple units within a single qualification to be integrated, which was not our intention. We have made it clear in the new criteria that the KSB subset can be assessed by more than one of the qualification’s units, if it is appropriate to do so. We have also drawn out that the subset of KSBs can be assessed through either one single assessment or multiple assessments.

The qualification's grade that attests to a pass for the EPA, as well as accountability for the qualification and details on how to deliver integrated mandatory qualifications, will be set out in the end-point assessment plan for each apprenticeship. We will issue further guidance to support this process.

## 5.7. Setting, invigilation and making integrated assessment judgements

We proposed that all integrated assessments must be set by the qualification's awarding body, and no adaptations could be made to these assessments (except as a reasonable adjustment or to comply with the awarding body's special consideration policy).

We proposed that written and on-screen assessments could not be solely invigilated by someone without sufficient independence. We proposed that practical assessments must be administered by someone with sufficient expertise, but who has no vested interest in the apprentice's assessment outcomes. Recognising the challenges this may present to some training providers, we also proposed to allow a person who did not have sufficient independence to administer assessments, providing they are not the sole assessor.

We also proposed that assessment judgements should be made by the awarding organisation, an independent person appointed by the awarding organisation, training provider staff with sufficient independence, or a combination of the above.

**Responses received**

Respondents were very supportive of these proposals, and felt they supported the vital independence of the EPA, while pragmatically addressing some of the challenges faced during assessment delivery.

While still in favour overall, respondents were less sure of our intention to allow, in exceptional circumstances, someone who has delivered content to the apprentice to administer the assessment, provided they were not the sole assessor. Many respondents thought this was a sensible approach, but did note that it should only be used in exceptional circumstances so as not to undermine the independence of the EPA. Some respondents thought we should not allow any exceptions.

**Decision**

We are taking forward our proposals on the administration and invigilation of integrated assessments, and making assessment judgements. Respondents told us how highly they value the independence of the EPA, and this is something we have sought to reinforce in this section of our criteria. We have also made some slight amendments to the language used to make sure it accurately reflects that used by the sector.

We have, where necessary, allowed for some flexibilities, for example allowing a person who has delivered the content to an apprentice to administer the assessment, providing they are not the sole assessor. We would expect this to occur only where using fully independent assessors presents significant challenges to a centre (for example, particularly remote centres, or where a niche occupation means a lack of availability of independent assessors). The second assessor does not necessarily need to be suitably qualified to make assessment decisions, but must be sufficiently independent to ensure valid and accurate assessment takes place. This arrangement must be by exception only. We also allow centre staff to make assessment judgements and would expect this flexibility to be used only in exceptional circumstances, providing our expectations for fair and valid assessment could still be met. We will judge whether this is appropriate on a case-by-case basis. Further details about what circumstances would be considered exceptional and our expectations for assessor independence will be made clear in the guidance to support the criteria.

# 6. Updated general impact assessment

The consultation document included our provisional impact assessment, and all formal responses and stakeholder engagement feedback has been taken into consideration as part of this full and updated impact assessment.

The new mandatory qualifications criteria will retain access to qualifications that are valuable to apprentices and employers, ensuring that apprentices are leaving with the best evidence of the knowledge, skills and behaviours they have acquired and are in the best position to meet the needs of employers. Integration will reduce assessment duplication and reduce the risk of apprenticeship withdrawals, which will have a positive impact for many of our stakeholders. We think that the benefits of our new policy across the range of apprenticeship and qualification users outweigh the potential negative impacts identified below.

We have focused this impact assessment on the main groups of people or organisations who are the most likely to be impacted, positively or negatively, by the updated policy.

## 6.1. Employers

Employers have played a central role in developing the occupational standards against which mandatory qualifications align. Our updated criteria will ensure that apprentices are taking the right qualifications for the knowledge, skills and behaviours that employers have told us are required for the given occupation. Therefore, it is our expectation that the updated policy will have a positive impact on employer confidence in apprenticeships due to the requirement for specific mandates.

Some respondents felt that there is a risk that these proposals will add burden to trailblazer employers. We are alert to the increasing demand the updated criteria may place on employers (especially trailblazers and route panel members) as we seek their input to accurately evidence and define the qualifications which are necessary in an occupation.

As set out in the consultation decisions and criteria, our approach is aligned as much as possible with other IfATE qualification approval process. We expect this to enable quicker and easier decisions, especially where employer evidence has been reviewed as part of those other approval processes. We anticipate this would also satisfy requirements for evidence towards specific qualification mandates in apprenticeships. In addition, if there is a genuine labour market need then we feel it should be easy to evidence and hence less burdensome.

Some respondents suggested there would need to be a wider and more inclusive range of stakeholders involved in the trailblazer group to support these proposals. We expect our trailblazers to seek the relevant expert advice and guidance as part of the apprenticeship development process, and also intend that IfATE resources, support and guidance will help reduce burden on trailblazer employers.

We acknowledge that embedding these changes may take time and therefore propose that, for apprenticeships which have already been subject to significant development or review, we work with trailblazers to decide the extent to which the new policy can be applied, as set out in section 4 above.

## 6.2. Apprentices

The updated policy will ensure that apprentices are only taking the qualifications which deliver the essential knowledge, skills and behaviours for their chosen occupation. This will reduce the amount of superfluous content they may currently be expected to learn and be assessed upon, thus helping to remove unfair barriers to completion.

Some respondents raised concerns about how the removal of mandated qualifications will impact on apprentice progression opportunities. As set out in our consultation document, we do not intend to alter the number of occupations that mandate a qualification. By changing the criteria to specify exactly which qualifications are mandated in the apprenticeship, we will ensure that apprentices are only taking those qualifications which are highly valued by employers, regulators, or professional bodies, which in turn will support their progression opportunities.

Some respondents felt that integration of assessment at EPA could cause assessment anxiety. We recognise that while moving one of the qualification's assessments post-gateway does not increase the amount of assessment undertaken by an apprentice, doing so may have an impact on assessment anxiety. This is because the same assessment would now count towards achievement of both the EPA and the

qualification, and therefore a learner might perceive the stakes of that assessment to be slightly higher.

We think that the benefits of this policy overall in terms of reducing the assessment burden, ensuring that apprentices leave with the best evidence of the KSBs required by employers, and only undertaking truly necessary qualifications (and therefore only truly necessary assessment), balances out this risk. In addition, specific feedback from IfATE's apprentice panel suggested that the updated policy approach would reduce duplication of assessment and provide more clarity about the qualifications to be taken during the apprenticeship, improving the apprenticeship experience.

## 6.3. Awarding bodies

Some respondents felt that there would be considerable impact and burden on the financial and administrative processes for awarding organisations related to qualification re-design, qualification duplication, and the systems and resources needed to support assessment integration.

We note that awarding bodies may need to make some changes to their current qualifications in order to fulfil our mandate requirements which may impact on resource requirements. We acknowledge that where qualification assessment is integrated with the EPA, an awarding body may need to update their assessment design to ensure the assessment covers the defined subset of the KSBs. There may also be resource and cost implications for delivering integrated assessments, which must uphold the integrity of the EPA. For some, this might be something as simple as moving one of the assessments post-gateway and the delivery of the qualification would remain unchanged apart from this. However, for others this may represent a more significant change. We are alert to this potential impact, but believe it is necessary to ensure that integration is as simple, effective and straightforward as possible to support the currency of EPA and the apprenticeship programme.

The updated criteria contains new expectations on how employer demand for a qualification is evidenced, and it is likely that some of this evidence will need to be provided by awarding bodies. However, this approach is one that is being adopted across the technical education landscape, and so is not a burden being introduced by the update to this policy alone. Indeed much of this work may have already been undertaken in respect of another programme (for example, approval processes for HTQs and post-16 L2 or L3 qualifications) before the relevant occupational standard and qualification mandate is submitted or revised, which will lessen the burden.

Respondents also made comments related to the impact on the qualifications market overall. This included concerns about how the removal of qualifications would be detrimental for awarding organisations, and that the updated policy may enable monopolistic behaviour. As set out in our consultation document, we do not intend to

alter the number of occupations that mandate a qualification, and throughout the new criteria, we have sought to ensure we have taken every reasonable step to mitigate the risk of such behaviour. We have introduced criteria which requires equivalent approved qualifications to be considered for inclusion where a comparable qualification has been mandated. We will also provide awarding bodies with the opportunity to put forward for consideration qualifications which they believe are comparable to those which have been mandated in a particular apprenticeship. More detail on this will be provided in guidance.

The need for coherence across all qualification reforms and approval processes was also raised through our consultation. We have sought, wherever possible, to align our requirements with other programmes, so as to not introduce additional burden on awarding bodies. We acknowledge some of the challenges which may arise from integration and are committed to providing the right support and guidance to ensure the apprenticeship's assessment plan makes assessment arrangements and responsibilities clear to all users.

## 6.4. Education and training providers

Some respondents felt that education and training providers' role and responsibilities will increase based on the updated policy, leading to resource and cost implications. They highlighted the new role they may have to play in supporting apprentices and employers through EPA.

We acknowledge that potential changes to a qualification mandate will likely result in some familiarisation costs for education and training providers. Our updated criteria for integrating assessment and continued protection of independent EPA may also have an impact. We note this may have implications for curriculum and assessment planning, resource allocation, programme management and staff training requirements.

However we feel that the updated criteria will bring significant benefits to training providers in the clarity of specific qualification mandates in apprenticeships. Training providers will have clear instruction on which qualifications would fulfil a mandate, removing the risk of learners undertaking the wrong qualifications.

Integration of assessment will also help to remove the opportunity for withdrawals between qualification completion and EPA, and reduce the over assessment of learners. Both of these steps will have a positive effect on completion rates, apprentice experience, and subsequently on apprenticeship accountability measures and funding linked to completion.

## 6.5. End-point assessment organisations (EPAOs)

Some respondents felt that there would be a considerable impact and burden on the financial and administrative processes for EPAOs, and a potential risk of bundling which would impact fair and competitive practice in the market.

We acknowledge that the updated policy will mean change and that work is required to coordinate between the awarding organisation for the mandated qualification and the EPAO. The awarding body will continue to have responsibility for the award of the qualification, and during the development or revision of the apprenticeship careful consideration will be given to how integration will work, and how information is shared between awarding bodies and EPAOs.

Our requirements of trailblazer groups and expectations of how they should operate include guidance on any possible conflict of interest, and our apprenticeship development guidance for assessment plans are already clear that it should not have the effect of limiting the market to a specific EPAO, or making delivery of the EPA practically unfeasible.

IfATE product managers will support the development of the relevant assessment plan as part of the apprenticeship development process, and each plan is individually designed and appropriate for the occupation. The assessment plan will make assessment arrangements clear to users.

We will continue to engage directly with our stakeholder groups to understand their concerns throughout implementation of the updated criteria, and what mitigations can be considered to address them.

# 7. Updated equalities impact assessment

## 7.1. The Public Sector Equality Duty (PSED)

Under Section 149(1) of the Equality Act 2010, the Institute for Apprenticeships and Technical Education has a duty to have due regard to the need to:

a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010

b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics for the purposes of each element of the PSED are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race (including ethnicity)
- Religion or belief
- Sex
- Sexual orientation

IfATE also needs to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first aim of the duty outlined at a) above applies to this characteristic but that the other aims outlined at b) and c) (advancing equality and fostering good relations) do not apply.

## 7.2. Limitations on assessing impact for certain protected characteristics

Information on a learner's sexual orientation, religion and beliefs, pregnancy, and gender re-assignment, are not collected as part of the Individualised Learner Record (ILR) required to be submitted to DfE. This means we do not have access to data on these characteristics, and we cannot fully assess whether the proposed approach is likely to have differing impacts on learners with different characteristics in these areas.

We are looking, as part of our work on equity, diversity and inclusion (EDI) at how we might better understand the EDI-related impact of technical qualifications on students, including what data awarding bodies might collect on any protected characteristics of learners enrolled on their qualifications. This will support our evaluation of impacts for particular groups.

## 7.3. The impact of our proposals

In addition to considering and analysing responses to the consultation, we have reflected on the potential equality impacts of our proposals in furtherance of the PSED.

As outlined in the updated general impact statement, we believe that our proposals will significantly benefit learners, including those with protected characteristics. Specific

mandates will ensure that apprentices are only taking the qualifications which employers view as necessary, and integration will reduce the assessment burden by reducing the amount of duplicate assessment.

IfATE's recently published EDI Strategy and Toolkit provide clear guidance on recommended EDI practices for everyone involved in the development and delivery of technical education. This includes signposting to IfATE's guidance for making reasonable adjustments within the assessment plan.

As mentioned in the updated general impact statement, some respondents felt that integration of assessment at EPA could cause assessment anxiety. We recognise that while moving one of the qualification's assessments post-gateway does not increase the amount of assessment undertaken by an apprentice, doing so may have an impact on assessment anxiety. This is because the same assessment would now count towards achievement of both the EPA and the qualification, and therefore a learner might perceive the stakes of that assessment to be slightly higher. This is more likely to be true of learners with a disability, particularly some mental health conditions. We think that the benefits of this policy for apprentices, in terms of reducing the assessment burden overall, ensuring that they leave with the best evidence of the KSBs required by employers, and are only undertaking truly necessary qualifications (and therefore only truly necessary assessment) balances out this risk.

Some respondents suggested that the removal of mandated qualifications will have a negative impact on apprentice equity, diversity and social mobility, especially if qualifications are removed which would usually support learners from lower socio-economic groups. We accept that there is the potential for the updated policy to require a change in the qualification that is mandated into an apprenticeship, however the updated policy is not trying to reduce the number of qualifications overall. The updated policy will strengthen and improve the relationship between the qualification and the apprenticeship, and make clearer the criteria for mandating. It will ensure learners are only taking the qualification that has been intended by employers for that occupation, which will also support their future progression opportunities. We think, therefore, that the advantages will outweigh any potential negative impact and will better support all leaners, including those with protected characteristics and those from lower socio-economic groups.

Some respondents noted the potential impact on learners with additional needs and felt there could be inconsistencies in approaches to dealing with reasonable adjustments for learners, especially when there are multiple parties involved in the integrated assessment. We acknowledge this concern, however awarding bodies, training providers and EPAOs will also need to comply with the relevant equalities law and have in place clear arrangements for making reasonable adjustments where required.

Our updated policy requires that when it comes to integrating part of a mandatory qualification's assessment into EPA, that the education or training provider must not make adaptations to the assessment to ensure fairness and consistency in apprenticeship delivery. However to be clear, this proposal does not apply to making reasonable adjustments in order to remove a barrier for a learner with a disability.

No respondents made any specific comments related to impacts on individuals associated with any other protected characteristic (i.e. race, gender reassignment, age, pregnancy and maternity, marriage and civil partnership, religion or belief, sex, and sexual orientation).

In summary, we believe that the move away from duplicating assessment to integrated EPA assessment, combined with the existing availability of reasonable adjustments will have a beneficial effect on all learners including those with protected characteristics, and this beneficial impact will outweigh any potential negative impact identified above.

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