



# AELP Submission: #126

## **AELP's Response to Ofqual's Regulatory Framework Consultation**

August 2025

# AELP's Response to Ofqual's Regulatory Framework Consultation

Association of Employment and Learning Providers (AELP) welcomes the opportunity to respond to Ofqual's consultation. Our members have identified several critical considerations that must be addressed to ensure that changes to assessment arrangements are fair, consistent, and workable for providers, employers, and learners. AELP's consultation response incorporates the views of our members, both providers and assessment organisations, who have provided feedback during roundtables, webinars and our recent assessment reform survey.

AELP believes that the apprenticeship assessment reforms should focus on improving, rather than complicating, the system. This means any proposed changes should be evaluated against five key criteria:

- Cost – Are we reducing financial burden or adding to it?
- Complexity – Does this make the process simpler or more convoluted?
- Consistency – Will this lead to more uniform outcomes across the board?
- Capacity – Are we enabling additional assessor capacity to deliver effectively, or stretching the system further?
- Clarity – Is the purpose and process of the assessment clearly understood?

## Section 1: Purposes

### Question 1

**Do you have any comments on the drafting of the proposed general purposes for apprenticeship assessment?**

The general purposes seem to be moving away from using endpoint assessment to assess if apprentices are fully occupationally competent and are instead considering if an apprentice is occupationally competent. This is a subtle but significant difference, particularly for certain sectors like engineering. This is likely to be of concern to employers and professional bodies who want confirmation that apprentices are fully competent for their occupation.

AELP considers the proposed shift in focus instigated by 'general purpose A' in a similar way to how driving tests assess competency. This would be achieved by testing a proportion of the standards KSBs rather than all of them. However, for this to work a suite of assessments would need to be designed to ensure that on programme delivery of all KSBs remains a priority and so that occupational competency can be assured.

### Question 2

**To what extent do you agree or disagree with the proposed order of prioritisation of the proposed general purposes?**

We disagree with the current proposed order of prioritisation in the consultation. The most important purpose of an apprenticeship assessment is to provide employers with confidence in the knowledge, skills and behaviour of their employees. All-purpose, currency, and demand for apprenticeships stem from the requirements of employers and should be a higher priority than is

currently proposed. It is important that reforms to apprenticeships assessment do not put off employers from using them to train and develop their staff. This is particularly important for sectors which have been disproportionately impacted by NICs and minimum wage rises, and where entry-level opportunities are falling.

### **Question 3**

**To what extent do you agree or disagree with the proposal to require awarding organisations to design apprenticeship assessments that are in line with nationally set general purposes which will be included in Ofqual's regulatory framework?**

AELP and its provider members are concerned about the level of variation which could be offered once Ofqual's regulatory framework is implemented and how consistency will be maintained between different AOs. However, we agree that awarding organisations should be required to design apprenticeship assessments which align with any purposes set in the regulatory framework.

### **Question 4**

**To what extent do you agree or disagree with the proposal to require awarding organisations to explain how they have developed apprenticeship assessments that reflect the nationally set purposes and justify any trade-offs they have made between the purposes?**

AELP is in favour of this proposal. Transparency about how awarding organisations (AOs) design apprenticeship assessments, and how they have balanced or made trade-offs between the nationally set purposes, is essential to maintaining confidence in the system. This level of openness would help ensure comparability across approaches, support quality assurance, and provide clarity for providers and employers about the rationale behind assessment design decisions.

We would also encourage Ofqual to consider how this information will be communicated to centres and providers, so that it genuinely aids understanding and delivery, rather than this information being kept purely for compliance purposes.

### **Question 5**

**To what extent do you agree or disagree with the proposal to require awarding organisations to develop specific purposes for individual apprenticeship assessments in line with the proposed general purposes?**

Whilst there should be the ability for assessment organisations to develop specific purposes, any developments should be strictly for statutory regulated qualifications and professions, due to the high-risk nature of these settings.

### **Question 6**

**Do you have any further comments on the proposals contained in this section?**

The proposed purposes mention apprentices, employers and assessment organisations, but they do not explicitly mention the training providers role within apprenticeship assessment. We appreciate that Ofqual works directly with AOs rather than providers, but there is an impact on and role for providers with apprenticeship assessment going forward, and this should be recognised.

## Section 2: Content

### Question 7

**To what extent do you agree or disagree with the proposal to require awarding organisations to explain how their apprenticeship assessment covers the knowledge and skills set out in the relevant occupational standard published by Skills England?**

AELP agrees it is important to ensure AOs can show how their assessment covers the knowledge and skills set out in the assessment plan.

### Question 8

**To what extent do you agree or disagree with the proposal to require awarding organisations to design apprenticeship assessments that cover the assessment outcomes set out in the apprenticeship assessment plans published by Skills England?**

AELP agrees it is important to ensure AOs align their assessment outcomes to those published within the assessment plan.

### Question 9

**To what extent do you agree or disagree with the proposal to require awarding organisations to comply with any requirements regarding coverage of content set out in the apprenticeship assessment plans published by Skills England?**

AELP agrees it is important for awarding organisations to ensure their assessment complies with any requirements regarding coverage of content set out in the apprenticeship assessment plans published by Skills England.

### Question 10

**Do you have any comments on the proposals contained in this section?**

None

## Section 3: Assessment structure and synoptic assessment

### Question 11

**To what extent do you agree with the proposal to require awarding organisations to comply with any requirements on the timing of assessment set out in an apprenticeship assessment plan published by Skills England?**

AELP agrees it is important to ensure AOs comply with any timings and timescales outlined within the assessment plan.

### Question 12

**Do you have any comments on the proposed definition of synoptic assessment?**

AELP is supportive of the proposed definition for synoptic assessment.

### **Question 13**

**To what extent do you agree with the proposal that Ofqual should require awarding organisations to design apprenticeship assessments to include some synoptic assessment?**

Yes, AELP agrees that apprenticeship assessments should include a synoptic assessment. The synoptic element of the assessment should be completed towards the end of the apprenticeship to enable the apprentice to showcase the Knowledge, Skills and Behaviours they have mastered during their training.

### **Question 14**

**Do you have any comments on the proposal to issue Ofqual guidance in relation to the use of synoptic assessment? Please specify any areas you think that it would be helpful to include in the guidance.**

AELP would support the creation of guidance to support a consistent approach to synoptic assessment amongst AOs. A key concern of AELP members is how consistency will be maintained by AOs within the new approach to apprenticeship assessment, and so we would support guidance that enables clarity and similarity of approach. We would also be willing to engage with Ofqual as part of a working group to determine what is included within future guidance.

### **Question 15**

**Do you have any further comments on the proposals contained in this section?**

None

## **Section 4: Setting assessments**

### **Question 16**

**To what extent do you agree or disagree with the proposal that awarding organisations should set all assessments?**

AELP agrees that awarding organisations should set all assessments to maintain consistency and independence.

### **Question 17**

**To what extent do you agree or disagree with the proposed definition for setting the assessment?**

AELP supports the proposed definition for setting the assessment. Establishing a clear and shared definition is important for ensuring consistency of delivery and assessment format, which in turn helps to maintain fairness and comparability across apprenticeship standards.

We note, however, that concerns remain about potential differences between awarding organisations (AOs) and their approaches. These variations can create complexity for providers and risk undermining consistency across the system. The proposal to require AOs to provide information and clarity on the seven identified areas is a positive step, as it should improve transparency and help providers better understand and plan for delivery.

AELP encourages Ofqual to continue exploring ways of reducing unnecessary variation between AOs, so that apprentices, providers, and employers can be confident that assessments are being applied fairly and consistently across the sector.

#### **Question 18**

**To what extent do you agree or disagree with the proposal that centres should be able to adapt certain aspects of AO-set assessments?**

AELP has concerns about the extent of adaptations that centres could be permitted to make to AO set assessments. Excessive flexibility risks undermining the comparability and consistency of apprenticeship standards, which is critical to maintaining employer and public confidence in the system.

It should be the responsibility of the awarding organisation to design assessments in a way that enables them to be delivered flexibly across a variety of settings, rather than relying on centres to adapt the tasks themselves. This ensures that apprentices are assessed against a common set of requirements and outcomes.

That said, we support limited, practical adaptations where these do not compromise the integrity of the assessment. For example, allowing centres to use alternative software, tools, or materials that are already familiar to apprentices can help reduce unnecessary barriers without altering the substance of the assessment task. This kind of flexibility supports accessibility and fairness, while still preserving the consistency of assessment design and outcomes across providers.

In summary, we agree that some adaptation should be possible at a centre level, but only within a clearly defined scope. Adaptations should be restricted to the means of delivery, not the content or structure of the assessment, with awarding organisations retaining responsibility for ensuring comparability across all apprentices.

#### **Question 19**

**Do you have any comments on the proposals contained in this section?**

None

### **Section 5: Marking Assessments**

#### **Question 20**

**To what extent do you agree or disagree with the proposal to require awarding organisations to mark some apprenticeship assessments to mitigate against threats we have identified to the reliability of the assessments?**

AELP broadly agrees with the proposal for awarding organisations (AOs) to retain responsibility for marking a proportion of apprenticeship assessments. Independence in assessment is vital to maintain quality, consistency, and confidence across the system.

While providers play a central role in supporting apprentices and may appropriately contribute to assessment delivery, it is important that we do not return to a model of solely provider-assessed outcomes, which risks variable standards and reduced public trust in apprenticeships.

At the same time, AELP must acknowledge that there will be operational challenges for some providers, particularly smaller or specialist organisations. A number of our members have indicated that they will struggle to have the capacity to ensure sufficient internal independence in assessment. This strengthens the case for AOs retaining a substantive role in marking, both to provide an external safeguard and to ensure that assessment practice is consistent across different providers and sectors.

#### **Question 21**

**Do you have any comments on the proposal to issue Ofqual guidance in relation to the marking of assessments? Please specify any areas that you think that it would be helpful to include in the guidance.**

AELP is supportive of Ofqual's proposal to publish guidance on the marking of assessments. Clear guidance is essential to ensure consistency across awarding organisations (AOs) and to help providers understand their responsibilities within the new model.

One area AELP is keen to gain clarification on is the interpretation of the 40% marking requirement. There has been significant confusion about whether this 40% relates exclusively to the synoptic assessment or to 40% of all assessments combined. Clear and unambiguous wording on this point is vital, as different interpretations could lead to inconsistent practice and unnecessary complexity for providers and employers.

In addition, the guidance should:

- Set out how marking responsibilities will be divided between AOs and centres for different types of assessments.
- Explain the quality assurance measures AOs would be expected to apply when centres are marking components, to ensure fairness and reliability.
- Include examples of acceptable models for shared marking arrangements, so providers and AOs have a clear reference point.

AELP welcomes the proposed guidance and urges Ofqual to use it to remove the current ambiguity, particularly around the 40% requirement and to promote a consistent, transparent approach to marking across the sector.

#### **Question 22**

**To what extent do you agree or disagree with the proposal to require awarding organisations to have regard to any marking approach specified in an apprenticeship assessment plan published by Skills England?**

AELP agrees with the proposal to require awarding organisations to have regard to any marking approach specified in an apprenticeship assessment plan published by Skills England, as this will enable comparability and consistency between assessment organisations.

#### **Question 23**

**Do you have any comments on the proposal to issue Ofqual guidance in relation to Condition H2**

**(Centre Assessment Standards Scrutiny where an assessment is marked by a Centre)? Please specify any areas that you think that it would be helpful to include in the guidance.**

AELP welcomes Ofqual's intention to publish guidance on Centre Assessment Standards Scrutiny (CASS). As at present, there is uncertainty in the sector about whether CASS will be applied at the standard level or organisational (centre) level.

Feedback from both providers and awarding organisations indicates a clear preference for an organisation-level approach. This would reduce unnecessary duplication, support more efficient and proportionate risk management, and better reflect the way apprenticeship delivery operates in practice.

In addition, we suggest that Ofqual's guidance should:

- Clarify expectations around how CASS applies across multiple apprenticeship standards within a single centre.
- Set out the evidence requirements in a proportionate way, to avoid excessive administrative burden.
- Provide examples of effective practice in applying CASS at the organisational level, to support consistent understanding across providers and awarding organisations.

AELP strongly welcomes the intention to provide guidance and urges Ofqual to use it as an opportunity to bring clarity, proportionality, and consistency to the application of CASS across the sector in respect of apprenticeship assessments.

#### **Question 24**

**Do you have any comments on the proposal to issue Ofqual guidance in relation to Condition C2 (Arrangements with Centres)? Please specify any areas you think that it would be helpful to include in the guidance.**

AELP welcomes Ofqual's intention to publish guidance in relation to Condition C2 (Arrangements with Centres). Clear guidance will be essential to ensure that awarding organisations (AOs) set proportionate expectations for providers.

Maintaining the quality and integrity of assessment is paramount to the continued success of the apprenticeship brand. However, it is equally important that undue administrative pressure and process are not placed on providers for the elements of assessment they deliver. The purpose of the apprenticeship assessment reforms is to make delivery more flexible and streamlined, not more complex or burdensome.

We therefore encourage Ofqual to use the guidance to:

- Emphasise the principle of proportionality in AOs' expectations of centres' quality process and procedures.
- Clarify where responsibilities lie between AOs and providers to avoid unnecessary duplication.
- Provide examples of reasonable arrangements that safeguard quality without creating unnecessary bureaucracy.



It is also important to remember that not all providers will wish to act as an AO's centre and directly deliver elements of apprenticeship assessment due to the staff capacity and expertise which would be required.

#### **Question 25**

**Do you have any further comments on the proposals contained in this section?**

AELP welcomes Ofqual's intention to issue guidance on Conditions C2 and H2 and on Centre Assessment Standards Scrutiny (CASS), as clear expectations are vital to supporting quality and consistency. However, we remain concerned that aspects of the proposals could create duplication and complexity. Responsibilities between awarding organisations (AOs) and providers must be clearly defined to avoid unnecessary repetition of processes and excessive administrative burden.

We also note a potential risk that increased flexibility in delivery could inadvertently lead providers to choose the "easiest" or least resource-intensive assessment options. This mirrors patterns seen in GCSEs and A Levels, where perceptions of relative difficulty sometimes influence choice. We must avoid a "race to the bottom" scenario because of the reforms. To maintain confidence and comparability across apprenticeships, Ofqual's guidance should make clear how standards and expectations will be safeguarded across different routes.

In addition, the apprenticeship sector includes a large number of small, specialist providers serving niche markets or low volumes of learners. These organisations may face significant challenges in meeting some of the new requirements, particularly where expectations include maintaining internal independence in marking or complying with additional CASS processes. Without proportionate arrangements, there is a real risk of placing undue strain on these providers, potentially reducing the diversity and availability of apprenticeship provision.

Overall, AELP supports the principle of strengthening quality and consistency through clear guidance, but we urge Ofqual to ensure that the framework is proportionate, avoids duplication, and recognises the capacity constraints of smaller and specialist providers. The ultimate goal of apprenticeship assessment reform should be to make delivery more flexible and streamlined, not more complex or burdensome.

### **Section 6: Assessment design**

#### **Question 26**

**Do you have any comments on the proposal to issue Ofqual guidance in relation to assessment design? Please specify any areas you think that it would be helpful to include in the guidance.**

Ofqual should issue guidance in relation to assessment design, but it needs to be developed and be compatible with any guidance issued by both Skills England and the DfE on the way assessment plans are designed. In essence, the whole system of design needs to be cohesive.

#### **Question 27**

**To what extent do you agree or disagree that awarding organisations must comply with any requirements related to assessment design in an apprenticeship assessment plan published by Skills England?**

AELP agrees it is important that AOs comply with any assessment design requirements outlined within the assessment plan.

#### **Question 28**

**Do you have any further comments on the proposals contained in this section?**

None

### **Section 7: Grading and Standard Setting**

#### **Question 29**

**To what extent do you agree or disagree that awarding organisations must comply with the grading scale and description of the characteristics of a pass grade (and any other grade) included in an apprenticeship assessment plan published by Skills England?**

AELP agrees it is important that AOs comply with the grading scale and description of the characteristics of a pass grade (and any other grade) outlined within the assessment plan.

#### **Question 30**

**Do you have any comments on the proposal to issue Ofqual guidance to support awarding organisations to take consistent approaches to standard setting? Please specify any areas you think that it would be helpful to include in the guidance.**

It is critical that awarding organisations take a consistent approach to standard setting, and this has been one of the main concerns to come out of these proposed assessment reforms. Reference to only two main assessment methods needs further explanation, however, as we feel that there will need to be a far greater number of different approaches used across the range of apprenticeship programmes currently on offer.

#### **Question 31**

**Do you have any further comments on the proposals contained in this section?**

None

### **Section 8: Assessment strategy requirements**

#### **Question 32**

**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 for each apprenticeship assessment they offer?**

In principle, we agree that awarding organisations (AOs) should be required to develop and maintain assessment strategies, as this could strengthen transparency, quality assurance, and consistency across apprenticeship assessments. AELP believes that several aspects of the proposal do need further clarification before it can be fully supported.

Firstly, there must be clear guidance on how often assessment strategies should be reviewed and the process for communicating updates to centres. As without a defined review cycle and communication mechanism, providers face uncertainty and disruption in delivery and risk not complying with AO expectations.

Second, we would welcome greater clarity on the relationship between assessment strategies and specifications. Many of the elements described appear to overlap, raising the question of why two separate documents are needed. While we recognise that certain elements of strategy may include commercially sensitive information, this could reasonably be managed within a single organisational-level strategy, rather than requiring separate strategies for each apprenticeship standard. The per-standard specifications could then provide the necessary detail for providers and apprentices, ensuring clarity without duplication.

AELP would instead suggest the following alternatives:

- An overarching assessment strategy at an organisational level, setting out principles, governance, and quality assurance arrangements.
- Per-standard specifications, which translate these principles into the operational details relevant to each apprenticeship.
- Where genuinely necessary, a confidential annex for sensitive information, but not a full standalone strategy per standard.

In summary, we support the intent behind requiring assessment strategies but recommend a more proportionate model. Anchored in one overarching strategy supplemented by per-standard specifications as a way of balancing transparency, quality assurance, and regulatory burden for AOs.

### **Question 33**

**Do you have any comments on the areas proposed to be covered in assessment strategies?**

It is difficult to provide detailed comments on this proposal without further information or illustrative examples of what Ofqual expects an assessment strategy to include. As a result, we welcome Ofqual's intention to consult again on the technical details later in the year.

### **Question 34**

**Do you have any further comments on the proposals contained in this section?**

None

## **Section 9: Employer engagement**

### **Question 35**

**To what extent do you agree or disagree with the proposal not to disapply Condition E1 for apprenticeship assessments?**

Employer engagement is a critical principle of apprenticeships and ensuring that assessment reflects the needs of industry makes sense. However, we have a few concerns which need to be considered when determining whether to apply or disapply Condition E1.

Firstly, employer consistency and capacity are significant challenges. Many employers, particularly SMEs, have limited resources to engage with assessment design and review processes. We would encourage awarding organisations (AOs) to make use of existing mechanisms, such as trailblazer groups, to ensure engagement is coordinated and efficient, rather than adding new layers of consultation.

Secondly, it is important that engagement captures a spread of views from employers of all shapes and sizes, rather than being dominated by a small group of large employers. Clear guidance on how AOs should demonstrate this balance would help ensure that assessment strategies are genuinely reflective of sector needs. We would, therefore, recommend using trailblazer groups that already contain a mix of employers of varying sizes.

Finally, without careful design, there is a risk that employer engagement could become a tick-box exercise, with little meaningful impact on assessment design. Any guidance from Ofqual should therefore emphasise the importance of genuine and proportionate employer input and provide clarity on what constitutes sufficient evidence of engagement.

### **Question 36**

**Do you have any comments on the proposal to issue Ofqual guidance to support awarding organisations to engage with employers effectively when designing apprenticeship assessments? Please specify any areas you think that would be helpful to include in the guidance.**

AELP's preference is that this proposal is not implemented, as we have concerns about the additional burden and complexity it could create for awarding organisations and employers, with limited evidence of added value. Many employers already contribute to apprenticeship design through trailblazer groups and other established mechanisms, and introducing further regulatory requirements risks duplication and disengagement.

However, if the proposal proceeds, AELP agrees that clear guidance is essential to ensure a consistent and proportionate approach to employer engagement between AOs. The guidance should recognise that meaningful engagement may require coordination with providers, to make best use of employer time and avoid unnecessary repetition.

We would recommend that the guidance includes:

- Set clear but flexible expectations on the number and frequency of engagement activities, to provide clarity for awarding organisations without being overly prescriptive.
- Guidance as to how to achieve a balance of employer voices, ensuring a mix of representation from different sizes, sectors, and regions, rather than relying solely on large employers.
- Examples of good practice in efficient and inclusive engagement, including approaches to involve SMEs and mitigate the risk of employer fatigue.

If this proposal is retained, any guidance must promote proportionality, minimise duplication, and ensure employer input is both meaningful and practical.

### **Question 37**

**Do you have any further comments on the proposals contained in this section?**

None

## **Section 10: Disapplication of General Conditions**

### **Question 38**

**To what extent do you agree with the proposal to disapply General Condition E7 (Total Qualification Time) with respect to apprenticeship assessment?**

This doesn't apply to apprenticeship standards; AELP agrees that condition E7 should remain disapplied.

### **Question 39**

**To what extent do you agree with the proposal to disapply General Condition E8 (Component credit) with respect to apprenticeship assessment?**

AELP agrees that condition E8 should remain disapplied.

### **Question 40**

**To what extent do you agree with the proposal to disapply General Conditions I3 and I4 (Certification) with respect to apprenticeship assessment?**

AELP agrees that conditions I3 and I4 should remain disapplied.

### **Question 41**

**Do you have any comments on the proposals contained in this section?**

None

## **Section 11: Guidance in the current EPA regulatory framework**

### **Question 42**

**Do you have any comments on whether Ofqual should carry forward any of the EPA guidance into the regulatory framework for apprenticeship assessment? Please specify which guidance you think that it would be helpful to carry forward.**

None

## **Section 12: Transition arrangements**

### **Question 43**

**Do you have any comments on the proposed approach to transition arrangements?**

AELP has significant concerns about the proposed 90-day transition model. Awarding organisations and providers are clear that this is not realistic and would create unnecessary disruption. We strongly recommend a minimum six-month transition period, with longer lead-in times for more

complex standards. We would also recommend that starts under the new apprenticeship assessment model should only begin once the regulatory framework has been agreed. As the allowance of a temporary system under the current EPAO framework risks significant confusion, particularly during the transition, when three versions of assessment would be regulated.

Effective transition arrangements must include:

- A clear distinction between “new starts” and “in-flight learners”, to avoid disadvantaging apprentices already on programme.
- A defined teach-out period, allowing active learners to complete under the model on which they started.
- Timely publication of revised standards, enabling awarding organisations and providers to update products, train staff, and align delivery partners before implementation.

As currently proposed, the approach risks learner disadvantage, provider confusion, and unnecessary strain across the system. Apprenticeship delivery takes place over a long period, and providers need the full picture at the point of learner entry in order to design programmes and assessment strategies that remain valid throughout the apprenticeship. Short, compressed transition windows undermine this principle and increase the risk of inconsistency.

## Section 13: Impact assessments

### Question 44

**Are there any other potential equality impacts (positive or negative) on apprentices who share a particular protected characteristic or are from a lower socio-economic background arising from our proposals, either individually or in combination? Where possible, please separate your answer by protected characteristic.**

AELP is concerned that the absence of a clear and shared definition of success across stakeholders could create unintended equality impacts. Without a common understanding of what success looks like, it will be difficult to evaluate whether the reforms deliver positive outcomes for apprentices, particularly those from protected groups or lower socio-economic backgrounds.

Currently, there is uncertainty about:

- How success will be measured, for example, is it through learner outcomes, assessment efficiency, QA compliance, or stakeholder satisfaction?
- Which criteria will be prioritised and in what order? For example, is it cost, fairness, quality, scalability, or a combination of these factors?
- How will improvements be tracked and reported back to the sector, to ensure that any disparities identified can be addressed?

The current lack of clarity risks creating inconsistent implementation and could make it harder to monitor whether learners with protected characteristics, or those from disadvantaged backgrounds, experience equitable outcomes.

Potential risks by characteristic may include:

- **Disability:** Increased provider or employer involvement in assessment could lead to inconsistent application of reasonable adjustments, particularly where learners wish not to disclose the disability or learning need to their employer. A digital-first approach may also disadvantage apprentices who require assistive technologies unless robust guidance and support are provided.
- **Gender:** Some sectors remain heavily gender segregated. If engagement with employers disproportionately reflects dominant groups in those sectors, assessment methods may unintentionally reflect this within the scenarios or assessments which are developed.
- **Race and Ethnicity:** Increased flexibility in assessment could introduce greater subjectivity in behavioural or practical judgments, creating a risk of bias where quality assurance is inconsistent.
- **Religion or Belief:** Assessments scheduled without regard for cultural or religious observances could disadvantage learners without clear flexibility guidelines.
- **Socio-Economic Background:** Lower-income apprentices may face barriers if assessment methods require specialist equipment, travel to centralised test sites, or extended employer involvement, which requires workplace resources that are not available in smaller businesses.

#### Question 45

**Are there any additional steps that Ofqual could take to mitigate any potential negative impacts resulting from the proposals, either individually or in combination, on apprentices who share a particular protected characteristic or are from a lower socioeconomic background?**

AELP understands the intent behind these reforms to bring providers and employers closer to assessment. The reforms must prioritise fairness and accessibility, ensuring that new flexibilities do not unintentionally create barriers or inconsistencies for apprentices. Several issues need to be addressed to avoid unintended negative impacts, particularly on disadvantaged apprentices or those with protected characteristics.

Key risks include:

- Quality assurance and accountability must be clearly defined particularly when employers are involved in assessing behaviours or contributing to final outcomes. Without clear responsibility lines, there is a risk of inconsistency that could disadvantage certain learners.
- Capacity gaps among smaller providers, who may lack the expertise or resources to take on high-stakes assessment responsibilities without compromising rigour, could lead to uneven learner experiences.
- Potential for inconsistency or bias, particularly in behavioural assessment, must be mitigated through clear, centralised quality frameworks and robust moderation processes.
- Employer engagement fatigue, if communication is not coordinated across the sector, could reduce meaningful input and lead to tokenistic processes that fail to address learner needs effectively.

To mitigate these risks, AELP recommends:

- A cautious, risk-based rollout of any new requirements, starting with clear pilots and evaluation of implementation.
- Building in optionality for providers and employers, so smaller organisations can choose models appropriate to their capacity without penalising learners.
- Issuing sector-wide guidance and exemplars on inclusive assessment design, to ensure consistency and fairness for apprentices from different backgrounds.
- Monitoring impact on disadvantaged groups through regular equality reviews, with adjustments where disparities are identified.
- Developing and publishing an Equality Impact Implementation Plan, setting out how Ofqual will monitor, report, and respond to potential inequalities during and after implementation of the reforms.

## Section 14: Regulatory impact assessment

### Question 46

**Are there any regulatory impacts that have not been identified as arising from the proposals, either individually or in combination? If yes, what are the impacts and are there any additional steps that could be taken to minimise the regulatory impact of the proposals?**

Yes, AELP believes there are additional regulatory impacts that have not yet been fully identified or addressed.

First, there is ongoing ambiguity around the application of Centre Assessment Standards Scrutiny (CASS). It is not clear whether CASS will apply at the level of each apprenticeship standard or an organisational (centre) level. This uncertainty risks creating unnecessary duplication and complexity for providers, particularly those delivering multiple standards.

Second, there is no clear plan for how quality assurance will operate across assessment organisations (AOs) offering different assessment models for the same standard. Without a coordinated approach, there is a danger of inconsistency in the learner experience and the standard of outcomes achieved.

Third, it is unclear who holds responsibility for quality assurance when aspects of assessment are delegated to providers or employers. This lack of clarity risks undermining accountability and could lead to variable standards in practice.

To minimise these impacts, we propose that:

- CASS should be applied at the organisational level, not per standard, to reduce duplication and reflect the reality of apprenticeship delivery.
- Ofqual should provide a set of common QA principles and expectations that all EPAOs must follow, to ensure comparability across assessment models.
- Ofqual should also set out clear lines of accountability for QA where assessment activity is delegated, so that ownership is unambiguous and standards are safeguarded.
- Implementation should follow a clear timeline, with transitional arrangements, to ensure providers and employers have time to adapt.



In summary, while AELP supports the overall direction of the reforms, greater clarity and consistency around CASS, cross-AO quality assurance, and accountability for delegated assessment are essential to minimise regulatory burden and to safeguard the credibility of apprenticeship outcomes.

#### **Question 47**

**To what extent do you think the overall financial impact on awarding organisations of the regulatory framework will be positive or negative? Please provide estimated figures where possible.**

The framework does not indicate potential for reduced costs. Instead, it points to additional or redistributed costs, particularly during the transition period as AOs adapt their systems, processes, and staffing models. Where any reductions do occur, these are likely to be offset by increased provider (centre) costs if they are required to deliver and mark elements of the assessments.

It is anticipated that the overall financial impact on awarding organisations (AOs) is likely to be negative in the short to medium term, particularly as the proposed regulatory framework introduces new requirements and changes the way assessments are delivered and quality assured.

Areas which we expect will have an impact of cost of apprenticeship assessment include:

- The redistribution of staffing resources, such as changes in the number of assessors and internal quality assurance personnel, as marking responsibilities and moderation processes are adjusted.
- Revisions to standard assessment offers, which may require redesign work to align with new regulatory expectations and flexibility requirements.
- Market volatility as providers and employers adapt to the new framework, which could affect uptake patterns and operational planning.

The apprenticeship assessment reforms are likely to lead to changes in AO pricing models and mean that there will likely be knock-on effects for providers and employers.

#### **Question 48**

**Are there any costs, savings or other benefits associated with the proposals, either individually or in combination, which have not been identified? Please provide estimated figures where possible.**

None

#### **Question 49**

**Is there any additional information that Ofqual should consider when evaluating the costs and benefits of the proposals?**

None

### **Section 15: Innovation**

**Question 50**

**Do you have any comments on the impact of the proposals for the regulatory framework for apprenticeship assessment on innovation by awarding organisations?**

None

## About AELP

The Association of Employment and Learning Providers (AELP) is a national membership body, proudly representing its many member organisations operating in the skills sector. AELP members deliver a range of training and vocational learning, including the majority of apprenticeships as well as Skills Bootcamps, 16-19 Study Programme, Adult Education Budget and more. AELP members support thousands of businesses and millions of learners in England by delivering a wide range of training, vocational learning, and employability programmes. Our members include independent training providers, colleges, higher education institutions, employer providers, awarding bodies and end point assessment organisations. They support learners of all ages, in every community, and at every level of post-16 study.

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