



# Extraordinary Regulatory Framework: General Qualifications – COVID-19 Conditions and Requirements

AUGUST 2020



## **Version Control**

Version (3) of our Extraordinary Regulatory Framework: General Qualifications – COVID-19 Conditions and Requirements was published on 19 August 2020. This replaces Version 2 which was published on 17 August 2020.

This version was updated following the Minister for Education’s announcement on Monday 17 August that GCSE, AS, A level and Welsh Baccalaureate Skills Challenge Certificate qualifications will now be awarded on the basis of centre assessment grades.

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## Introduction

This document is part of a suite of documents which sets out our regulatory requirements for awarding bodies offering affected general qualifications during the Covid-19 pandemic.

These affected qualifications are:

- Approved GCSE qualifications;
- Approved GCE Advanced Subsidiary (AS) qualifications;
- Approved GCE A level qualifications;
- Welsh Baccalaureate Skills Challenge Certificate (SCC), and
- Legacy GCSE, AS and A level qualifications which are only available to learners in Wales<sup>1</sup>.

This document sets out GQ Covid-19 Conditions.

It also sets out our requirements in relation to the information to be requested from Centres<sup>2</sup>.

This Regulatory Document came into effect on 29 June 2020 for all of the affected qualifications.

With respect to all general qualifications to which the Conditions set out in this document apply, save to the extent set out in those Conditions, awarding bodies must also comply with:

- our Standard Conditions of Recognition<sup>3</sup> which apply to all awarding bodies and qualifications, and
- all relevant Regulatory Documents<sup>4</sup>.

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<sup>1</sup> WJEC Level 1/Level 2 GCSE in Information and Communication Technology, WJEC Level 1/Level 2 GCSE in Information and Communication Technology (Short Course), WJEC Level 1/Level 2 GCSE in Health and Social Care, WJEC Level 1/Level 2 GCSE in Health and Social Care (Double Award), WJEC Level 1/Level 2 GCSE in Home Economics: Child Development, WJEC Level 3 Advanced GCE in Applied ICT, WJEC Level 3 Advanced GCE in ICT, WJEC Level 3 Advanced Subsidiary GCE in Applied ICT, WJEC Level 3 Advanced Subsidiary GCE in ICT, WJEC Level 3 Advanced Subsidiary GCE in Health and Social Care (Double Award), WJEC Level 3 Advanced GCE in Health and Social Care (Double Award), WJEC Level 3 Advanced Subsidiary GCE in Health and Social Care and WJEC Level 3 Advanced GCE in Health and Social Care.

<sup>2</sup> Guidance for centres on the submission of centre assessment grades was first published on 3 April 2020. An updated version was made available on 18 May 2020. This can be found at <https://qualificationswales.org/media/5973/information-for-centres-on-the-submission-of-centre-assessment-grades-version-2-18-may-2020.pdf>

<sup>3</sup> <https://www.qualificationswales.org/english/publications/standard-conditions-of-recognition/>

<sup>4</sup> <https://www.qualificationswales.org/english/publications/regulatory-documents-list/>

## Condition GQCov1 Application, Interpretation and definitions

### Application

- GQCov1.1 The GQCov Conditions apply –
- (a) to all GQ Qualifications,
  - (b) until such date as is specified in, or determined under, any notice in writing published by Qualifications Wales under this condition.
- GQCov1.2 Any such notice published by Qualifications Wales may –
- (a) be issued in respect of one or more –
    - (i) GQ Qualifications,
    - (ii) GQCov Conditions,
  - (b) be varied or withdrawn by Qualifications Wales at any time prior to the date specified in or determined under it, and
  - (c) contain any transitional and saving provisions that Qualifications Wales considers appropriate.
- GQCov1.3 An awarding body must comply with the requirements of any transitional and saving provisions contained in a notice published by Qualifications Wales under Condition GQCov1.2.

### Interpretation and definitions

- GQCov1.4 Unless alternative provision has been made in Condition GQCov1.7, the following shall apply to the GQCov Conditions –
- (a) the rules of interpretation and definitions outlined in Standard Condition J1,
  - (b) the definitions outlined in the Qualification Level Conditions (Additional Standard Conditions of Recognition for GCSE/GCE Qualifications and Additional Standard Conditions of Recognition for the Welsh Baccalaureate Skills Challenge Certificate).
- GQCov1.5 Except in the circumstances described in Condition GQCov1.6, the requirements imposed by the GQCov Conditions apply in addition to the requirements imposed by the Standard Conditions of Recognition,

any relevant Qualification Level Conditions, Approval Criteria and any other Regulatory Document<sup>5</sup>.

GQCov1.6 To the extent that there is any inconsistency between –

- (a) a requirement of a GQCov Condition, and
- (b) a requirement of a Standard Condition of Recognition, a Qualification Level Condition, Approval Criteria or any other Regulatory Document,

such that an awarding body could not comply with both such requirements, the awarding body must comply with the requirement of the GQCov Condition and is not obliged to comply with the requirement of other Conditions, Approval Criteria and any other Regulatory Document.

GQCov1.7 In these Conditions the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly) –

### **Centre Assessment Data**

A centre assessment grade and rank order given to a Learner by a Relevant Centre.

### **Qualification Level Conditions**

Any Qualification Level Condition that applies to a GQ Qualification.

### **GQ Qualification**

A qualification which is any of the following –

- (a) Approved GCSE qualifications;
- (b) Approved GCE AS qualifications;
- (c) Approved GCE A level qualifications;
- (d) Welsh Baccalaureate Skills Challenge Certificate (SCC), and

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<sup>5</sup> A regulatory document, or part of a regulatory document, document which features in a document entitled the 'Regulatory Document List', which may be published by Qualifications Wales and may be varied and replaced by Qualifications Wales from time to time.

- (e) Legacy GCSE, AS and A level qualifications which are only available to Learners in Wales<sup>6</sup>.

### **Private Candidate**

A Learner in relation to whom there is no Relevant Centre.

### **Relevant Centre**

In relation to a Learner, a Centre which –

- (a) has purchased the GQ Qualification on behalf of the Learner, and
- (b) materially contributed to the preparation of the Learner for the assessment (whether through teaching or instruction provided by Teachers employed by it or otherwise).

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<sup>6</sup> WJEC Level 1/Level 2 GCSE in Information and Communication Technology, WJEC Level 1/Level 2 GCSE in Information and Communication Technology (Short Course), WJEC Level 1/Level 2 GCSE in Health and Social Care, WJEC Level 1/Level 2 GCSE in Health and Social Care (Double Award), WJEC Level 1/Level 2 GCSE in Home Economics: Child Development, WJEC Level 3 Advanced GCE in Applied ICT, WJEC Level 3 Advanced GCE in ICT, WJEC Level 3 Advanced Subsidiary GCE in Applied ICT, WJEC Level 3 Advanced Subsidiary GCE in ICT, WJEC Level 3 Advanced Subsidiary GCE in Health and Social Care (Double Award), WJEC Level 3 Advanced GCE in Health and Social Care (Double Award), WJEC Level 3 Advanced Subsidiary GCE in Health and Social Care and WJEC Level 3 Advanced GCE in Health and Social Care.

## **Condition GQCov2    Cancellation of 2020 summer assessment series**

GQCov2.1    During the time period when this Condition is in force –

- (a)    an awarding body must ensure that no Learner takes an assessment for a GQ Qualification which it makes available, and
- (b)    an awarding body must not Moderate an assessment for a GQ Qualification.

## Condition GQCov3 Results in 2020

GQCov3.1 An awarding body –

- (a) must issue a result to each Learner registered on or before 21 February 2020, and who remains registered, to take a GQ Qualification which it makes available during the summer 2020 assessment series, and
- (b) may issue a result to a Learner who –
  - (i) could reasonably have been expected by the awarding body to be registered to take a GQ Qualification which it makes available during the summer 2020 assessment series, and
  - (ii) was not so registered.

GQCov3.2 In respect of each result it issues under Condition GQCov3.1, an awarding body must ensure that it –

- (a) calculates that result –
  - (i) in compliance with any requirements or special conditions issued, and having regard to any guidance which may be published by Qualifications Wales and revised from time to time, and
  - (ii) using information which it has requested from Centres in line with any requirements or special conditions issued, and having regard to any guidance which may be published by Qualifications Wales, or otherwise specified to the awarding body by Qualifications Wales and revised from time to time, and
- (b) takes all reasonable steps to issue that result on a date agreed with Qualifications Wales.

GQCov3.3 An awarding body must –

- (a) provide effective guidance to Centres on the provision of information under Condition GQCov3.2(a)(ii), and
- (b) provide clear and effective arrangements through which the Centre can liaise with the awarding body if it encounters difficulties in providing that information.

## Head of Centre Declaration

- GQCov3.4 An awarding body must not issue any result under Condition GQCov3.1 in respect of a Learner for whom it has not received a declaration which meets the requirements specified by Qualifications Wales under Condition GQCov3.2(a)(ii).
- GQCov3.5 The requirement in Condition GQCov3.4 shall not apply to Private Candidates who:
- (a) in respect of Approved GCSE and Approved GCE AS qualifications:
    - (i) are registered, or could reasonably have been expected by the awarding body to be registered, in accordance with Condition GQCov3.1;
    - (ii) are clearly identifiable as a Private Candidate entry;
    - (iii) have completed at least 25% of the total assessment in previous series, and
    - (iv) no Centre Assessment Data has been submitted.
  - (b) in respect of Approved GCE A level qualifications:
    - (i) are registered, or could reasonably have been expected by the awarding body to be registered, in accordance with Condition GQCov3.1;
    - (ii) are clearly identifiable as a Private Candidate entry;
    - (iii) have completed all Approved GCE AS units in a previous series, and
    - (iv) no Centre Assessment Data has been submitted.
  - (c) in respect of Welsh Baccalaureate Skills Challenge Certificate qualifications:
    - (i) are registered, or could reasonably have been expected by the awarding body to be registered, in accordance with Condition GQCov3.1;
    - (ii) are clearly identifiable as a Private Candidate entry;
    - (iii) have completed at least 25% of the total assessment in previous series, and
    - (iv) no Centre Assessment Data has been submitted.
- GQCov3.6 In respect of those Private Candidates who meet the eligibility criteria outlined in Condition GQCov3.5:

- (a) no information is required from the Centre pursuant to Condition GQCov3.2(a)(ii), and therefore no declaration is required pursuant to Condition GQCov3.4; and
- (b) the awarding body must calculate a result in accordance with Condition GQCov3.2(a)(i) to the extent that such requirements and guidance relate to such candidates.

### **Confidentiality of information provided by Centres**

- GQCov3.7 An awarding body must take reasonable steps to ensure that the information specified in Condition GQCov3.8 is kept confidential (including by Teachers and Centres) prior to –
- (a) in respect of a GCSE or Welsh Baccalaureate Skills Challenge Certificate KS4 Qualification, 08:00 on 20 August 2020, and
  - (b) in respect of all other GQ Qualifications, its issue of results under Condition GQCov3.1.
- GQCov3.8 The information to which Condition GQCov3.7 refers is the information provided to the awarding body under Condition GQCov3.2(a)(ii), and how that information was arrived at.
- GQCov3.9 An awarding body must treat any breach of confidentiality under Condition GQCov3.7 as malpractice and/or maladministration under Standard Condition of Recognition A8.

## **Condition GQCov4 Information to be provided to Centres**

GQCov4.1 An awarding body must establish, maintain and comply with arrangements to provide to a Centre, upon request, the information used to calculate the result issued under Condition GQCov3.1 to a Learner in respect of whom the Centre provided information to the awarding body under Condition GQCov3.2(a)(ii).

GQCov4.2 The arrangements must –

- (a) provide sufficient information, and
- (b) allow a reasonable time,

for Learners and Centres to consider whether to request an appeal under Condition GQCov5.

GQCov4.3 The arrangements may –

- (a) provide that the awarding body shall only provide the relevant information on payment of a fee,
- (b) specify other reasonable requirements for the making of a request for the information, and
- (c) specify a time period during which the information must be requested.

## Condition GQCov5 Appeals

- GQCov5.1 In respect of each result that it issues under Condition GQCov3.1, an awarding body must establish, maintain and comply with an effective appeals process which provides only for an appeal to the awarding body on the basis (and on no other basis) –
- (a) that the awarding body did not apply any procedures consistently or that procedures were not followed properly and fairly,
  - (b) that the awarding body used the wrong data in applying the process set out under Condition GQCov3.2(a)(i), and
  - (c) that a result generated by applying the process set out under Condition GQCov3.2(a)(i) was incorrectly issued by the awarding body in respect of one or more Learners.
- GQCov5.2 For the purposes of Condition GQCov5.1(b), 'the wrong data' –
- (a) includes
    - (i) incorrect data provided by a Centre under Condition GQCov3.2(a)(ii), and
    - (ii) a data set other than that specified in the requirements published by Qualifications Wales under Condition GQCov3.2(a)(i), including where the data sets in relation to two or more Centres have been transposed, and
    - (iii) a data set, including the Centre Assessment Data, specified in the requirements published by Qualifications Wales under Condition GQCov3.2(a)(i) into which errors have been introduced by the awarding body, and
  - (b) does not include
    - (i) a data set specified in the requirements published by Qualifications Wales under Condition GQCov3.2(a)(i) which contains errors or omissions that were not introduced by the awarding body, and
    - (ii) a proposed change in the professional judgment of the Centre which formed the basis for the Centre Assessment Data originally submitted to the awarding body.

- GQCov5.3 The appeals process which an awarding body has in place may provide that any request for an appeal in respect of a Learner is made
- (a) on the Learner's behalf by the Centre which submitted information in respect of that Learner under Condition GQCov3.2(a)(ii), and
  - (b) with the consent of the Learner.
- GQCov5.4 The appeals process which an awarding body has in place must provide that:
- (a) a Private Candidate who meets the eligibility criteria set out in Conditions GQCov3.5 may appeal directly to the awarding body
  - (b) A Private Candidate for whom Centre Assessment Data is available may not appeal directly to the awarding body.
- GQCov5.5 The appeals process may –
- (a) provide that the awarding body shall only conduct an appeal on payment of a fee,
  - (b) specify other reasonable requirements for the making of a request for an appeal, and
  - (c) specify a time period during which an appeal must be requested.
- GQCov5.6 Where the arrangements specify a time period during which an appeal must be requested, the time period must –
- (a) be reasonable, and
  - (b) comply with any requirements which may be published by Qualifications Wales and revised from time to time.
- GQCov5.7 The appeals process must provide for –
- (a) all appeal decisions to be taken by persons who have appropriate competence and who have no personal interest in the decision being appealed,
  - (b) the final decision in respect of the outcome of an appeal to involve at least one decision maker who is not an employee of the awarding body, an Assessor working for it, or otherwise connected to it, and

- (c) the awarding body to report the outcome of an appeal to the Centre that requested the appeal on the Learner's behalf, or to a Private Candidate, detailing the reasons for that outcome.

GQCov5.8 An awarding body must take all reasonable steps to ensure that the final decision in respect of the outcome of an appeal is taken by persons who were not previously involved in the process leading to the issue of results in respect of a Learner to which the appeal relates.

GQCov5.9 The appeals process must provide for the correction of a result without requiring the completion of the full appeals process in circumstances where the awarding body accepts that the error identified in the appeal request has occurred.

GQCov5.10 Where the application of its appeals process in the case of any Learner leads an awarding body to discover a failure in its assessment process, it must take all reasonable steps to –

- (a) identify any other Learner who has been affected by the failure, and
- (b) without prejudice to Condition GQCov5.11, correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure.

GQCov5.11 An awarding body must take reasonable steps to ensure that no correction is made under Condition GQCov5.10 which lowers the result of any Learner.

GQCov5.12 An awarding body must publish information on its appeals process to enable results to be appealed in line with this Condition.

## **Condition GQCov6 Centre decisions relating to appeals**

- GQCov6.1 An awarding body must take all reasonable steps to ensure that a Centre has in place effective arrangements for a Learner to —
- (a) apply to the Centre for it to request –
    - (i) information under Condition GQCov4.1, and
    - (ii) an appeal on the Learner's behalf under Condition GQCov5, and,
  - (b) appeal any decision by the Centre that such a request should not be made, and for the Centre to determine that appeal.
- GQCov6.2 For the purposes of this Condition, an awarding body must take all reasonable steps to ensure that –
- (a) the Centre makes Learners aware of the arrangements it has in place prior to the issue of results under Condition GQCov3.1, and
  - (b) the Centre provides Learners with a statement of the arrangements promptly when requested.

## Requirements in relation to the information to be requested from Centres

Condition GQCov3.2(a)(i) allows us to specify requirements and guidance in relation to the information to be requested from Centres to facilitate the calculation of results for GQ Qualifications in summer 2020.

Our requirements for the purposes of Condition GQCov3.1(a)(ii) are that an awarding body must:

- (a) request from the Centres with which they have agreements the information set out in our publication *'Summer 2020 grades for GCSEs, AS and A levels, and Skills Challenge Certificate (SCC): Information for Centres on the submission of Centre Assessment Grades'* (the **Centre Guidance**<sup>7</sup>), and
- (b) take all reasonable steps to ensure that Centres generate that information using the process set out in the Centre Guidance.

The Centre Guidance also contains the form that the declaration required under Condition GQCov3.4 must take. However, an awarding body may add additional material at the end of that declaration, or may require Centres to provide an additional separate declaration, where an awarding body considers it appropriate to do so in order to meet its obligations under any Equalities Law.

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<sup>7</sup> <https://qualificationswales.org/media/5973/information-for-centres-on-the-submission-of-centre-assessment-grades-version-2-18-may-2020.pdf>