

**Implementation of T level programmes – A consultation from The
Department for Education**

**A response by
The Chartered Institute of Legal Executives**

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1. Introduction

- 1.1. The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx represents around 20,000 members, which includes approximately 7,500 qualified Chartered Legal Executive lawyers.
- 1.2. CILEx is also a nationally recognised Awarding Organisation, regulated by the Office of the Qualifications and Examinations Regulation (Ofqual), Qualifications Wales and CCEA.
- 1.3. CILEx continually engages in the process of policy and law reform. At the heart of this engagement is public interest, as well as that of the profession. Given the unique role played by Chartered Legal Executives, CILEx considers itself uniquely placed to inform policy and law reform.
- 1.4. As it contributes to policy and law reform, CILEx endeavours to ensure relevant regard is given to equality and human rights, and the need to ensure justice is accessible for those who seek it.

2. Question 1: Do you agree that the principles outlined above are the right ones on which to base a review of which level 3 qualifications we should continue to fund in the new system, alongside T levels and A levels?

Yes/No. If no, what other principles do you think we should consider?

- 2.1. Yes, the three principles set out in the consultation are sensible, it is the judgements made in the application of these principles which need careful consideration i.e. how is 'good' defined, what is to be understood by 'distinct'? We recommend that the criteria underpinning these principles are carefully designed.
- 2.2. We agree that the qualifications which are funded should represent value for money and be robustly regulated. CILEx would support Ofqual as the regulator.
- 2.3. In general we believe that the roles of bodies such as Ofqual, Ofsted, IfA and ESFA should be clear and should not overlap in a way that would create confusion or unnecessary bureaucracy for Employers, Training Providers or Awarding Organisations. A clear plan detailing the remit and mechanisms for joint working for the above organisations is therefore essential.

3. Question 2: Do you agree that we should review qualifications at level 2 and below based on the principles that these qualifications should support progression into employment or higher level study and have a value in their own right alongside T levels? Yes/No. If no, what other principles do you think we should consider?

- 3.1. Yes, however we strongly recommend that Level 2 and Level 3 qualifications are reviewed together. The criteria which are used to underpin the application of the principles are crucial to the decisions on funding. These criteria should be carefully considered.

4. Question 3: Do you agree with the proposed approach to assessing technical qualifications? Yes/No – Please give reasons for your response.

- 4.1. No. If Ofqual are to be the regulator of T Level qualifications their involvement is essential in the development of T Levels from the earliest opportunity. The content of the T Levels must be fit for purpose, so we welcome that assessment experts will be part of the development process. We do however

believe that the number and previous experience of the assessment experts also matters. Often our assessment experts produce the best results when discussing problems together. To ensure the right choice of and validity of the assessment methods it is important to use a range of assessment experts early in the process.

- 4.2. The proposed structure of the T Levels is in our view overly prescriptive. An External exam for testing the knowledge based core should work for the legal sector (e-assessment options and on demand options could be delivered here). This seems sensible and should lead to assessment which can meet good practice principles. However, an exam will not work in all cases and in all sectors. To make T Levels more flexible the requirement for an 'external exam' should be changed to an 'externally set assessment' as the former may not always be appropriate.
- 4.3. We are concerned at the lack of information in the consultation about Employer-set projects and how exactly these projects will be developed, delivered and assessed. We would welcome clarity on; what the role of the AO is in this process, which employers will 'set' these projects, and whether it is the same employer involved in the significant work placement? There are lots of issues here in relation to how this is assessed, standardised etc. There are also issues in relation to the expertise of employers to develop such projects and to what extent the AO guides, informs and manages this process. In addition, this element could significantly increase the burden on employers. We need to think innovatively in terms of assessment for this aspect of the T level whilst also ensuring assessment principles are met.

5. Question 4: Do you agree with the approach to grading technical qualification components? Yes/No – Please give reasons for your response.

- 5.1. No. We find the different models of grading to be difficult to manage and will be confusing to employers. Use of A*-E for one aspect with Pass, Merit, Distinction for another is not recommended. In addition A*-E has now been changed for other qualifications such as GCSEs and A Levels. We suggest that a single grading system is used: Pass, Merit, Distinction.

- 5.2. We would also question the decision not to provide an overall grade for T Levels. Although the calculation of an overall grade may be difficult we believe it has value for both employers and T Level learners. It could be a simple Fail/Pass grade or include Merit and Distinction.

6. Question 5: Do you agree with the approach to maintaining comparable standards of performance for technical qualifications? Yes/No – Please give reasons for your response.

- 6.1. No. We think that the respective roles played by various parties in standard setting, and maintaining comparable standards or performance, require greater clarity. This includes the employer members of the T Level Panels, as well as the necessary involvement of assessment experts and AOs.
- 6.2. We do not agree that employers should have a role in supporting standardisation of assessors and grade awarding as this requires specialist expertise and would be an additional burden on employers.
- 6.3. Whilst we believe some level of employer involvement would be beneficial we question how practical this would be as it would be likely to:
- Increase costs and timescales for decision making,
 - Cause a burden to employers, and
 - Potentially cause conflicts of interest.
- 6.4. Further clarification of the approach to maintaining comparable standards is required

7. Question 6: Do you agree that prior attainment of the core could count if students switch to another T level within the same route? Yes/No – Please give reasons for your response.

- 7.1. Yes. In principle this sounds reasonable, however until the core content is known it is difficult to say how well this will work. If qualifications are to be truly valuable we recommend that any professional body and regulatory requirements which may impact on recognition of prior attainment are also considered.
- 7.2. The prior learning that would count towards switching should be defined upfront. This is recommended so that learners are aware of when, and to

which pathways, they may be able to switch when they are making the decision of which T Level to study.

8. Question 7: Do you agree with the proposed approach integrating the work placement within the T level programme? Yes/No. please explain your answer. If no, what would be a preferable approach?

- 8.1. Yes. Work experience is very valuable, but this must be meaningful and allow the learner to practise and develop some of the knowledge, skills and behaviours related to the occupation. The burden on employers is very heavy given the suggested length of the work placement. To ease this burden we suggest consideration of our responses to the following questions.

9. Question 8: Do you agree with the proposed method of appraising the student's performance on their work placement, including the Employer Reference? Yes/No. Please explain your answer. If no, what would be a preferable approach?

- 9.1. No. We suggest that work placements should be simple but structured so that requirements are clear and easy for employers to implement. Employers should not take the role of an assessor. Assessors have achieved, or are working towards, a set standard and this allows for consistency in judgements about learners. Structure could be achieved by providing a 'menu' of relevant and meaningful tasks and experiences for learner work placements. CILEx has used this approach in our Technical Level qualification: Level 3 Diploma in Law and Legal Skills.¹ The approach should provide structure but allow for flexibility.
- 9.2. We would also suggest that an interview be provided to learners, with feedback given to help prepare them for the employment application process. This model is used currently in Traineeships, where some of the lessons learned could be helpful in the design of T Levels.

¹ See appendix 3 of our handbook:

https://www.cilex.org.uk/~media/pdf_documents/main_cilex/education/study_pdfs/handbooks/new_developments/l3_tech_level_qual_handbook_final_240817_redrafted_dates_2018_appendix_added.pdf?la=en

10. Question 9: Do you agree with the proposed approach to quality assurance set out above? Yes/No. Please explain. If no, please explain how we can ensure work placements are quality assured?

- 10.1. Yes in principle, however we refer to our previous comment in relation to providing suitable structure and flexibility for work placements.
- 10.2. We also ask for further information to be published on how the different organisations (including Ofqual, Ofsted, IfA&TE and DfE) will work together to ensure quality. A clear plan is essential.

11. Question 10: What additional support or further modifications should be available to those with greater needs or special circumstances (such as caring responsibilities) during a work placement?

- 11.1. It is important that those with special circumstances are not indirectly discriminated against. We would therefore recommend that consideration is given to whether in some cases exceptional funding may be made available for use in certain special circumstances.

12. Question 11: How can we support students to access work placements relevant to their course in areas where there are no employers to offer work placements nearby?

- 12.1. In order to deliver programmes, providers will need a certain level of assurance that there is a local market need. Therefore, accessing information from sources such as Government LMI and Local Enterprise Partnerships is advised.
- 12.2. Is the work placement wholly about skills in the context of a particular role or is it also intended to develop wider employability skills? If it includes the former, then consideration should be given as to whether the whole placement needs to take place at the same employer. A consortium approach where learners rotate around 2-3 employers may provide a richer experience for learners and could help to reduce the burden on employers. The voluntary and public sectors should also not be overlooked.
- 12.3. It may be more cost effective to set up a centralised infrastructure for work placements i.e. an online service for registering and matching vacancies.

This could be similar to the Find an Apprenticeship service for apprenticeship vacancies.

13. Question 12: Do you agree with our suggested approach to providing students with financial support whilst on a work placement?

- 13.1. No. It is important that all learners can access work placements and those from less affluent backgrounds must not be disadvantaged due to travel costs/expenses etc. Smaller employers will need more support and potentially additional funding. Serious consideration should be made around making additional funding available to support travel expenses for example for learners from less affluent backgrounds or in rural areas where travel over great distances to larger towns and cities may be necessary.

14. Question 13: What are the common barriers / challenges for employers to host work placements and how can we support employers to offer work placements?

- 14.1. Some of the common barriers for hosting of work placements include:
- Time around the planning and support of high quality placements,
 - Resources and costs of offering placements,
 - Lack of understanding from employers over their responsibilities and what constitutes meaningful tasks for learners,
 - Legal requirements, and
 - Busy and quieter periods of business affecting the types of experience a learner can be exposed to.
- 14.2. Structure around placements as suggested in our response to earlier questions is advised together with clear information about support for employers and the conditions where additional funding may be accessible

15. Question 14: How do these challenges vary across industries and location types?

- 15.1. Representatives of different industries will be able to answer this question. In the legal sector there are concentrations of legal employers in larger towns and cities. This means those living in rural locations must often travel great

distances which could impact on the number of employers willing to offer placements with travel expenses.

16. Question 15: How can the range of employers, including SMEs, be better supported to offer work placements for students with additional needs?

16.1. Smaller employers, for whom a 45 – 60 day placement may be a significant burden, could benefit if a rotational system were introduced so that learners do not necessarily spend all of their placement time with a single employer.

17. Question 16: Would employers value a recognition in delivering work placements, for example through a form of ‘kitemarking’?

17.1. Yes. It is anticipated that some employers would have some level of interest e.g. those that value other accreditations such as Investors in People etc. It may be of little interest to some smaller firms unless they can see a clear benefit. We request a clearer proposition around ‘kitemarking’ be published.

18. Question 17: Should students be able to opt to take a higher level maths or English qualification e.g. core maths, A level maths, or work towards higher grades in GCSE even if T level panels do not require it? What are the issues for providers in delivering this?

18.1. Yes, however the emphasis should be on achieving level 2 Maths and English skills. Learners opting for higher level maths and English qualifications should be assessed to ensure that they are capable and that studying these qualifications will not impact on their study towards the ‘Technical’ content.

19. Question 18: Which of these options for funding maths and English within the T level programme do you think would be the most appropriate? Please explain the reasons for your answer.

19.1. Option 2. There should be additional funding and time allocated for learners that are studying towards Level 2 Maths and English. Study towards Level 2 achievement should not take away from the amount of ‘Technical’ content that is delivered. Making learners study Maths and English within the allotted hours for ‘Technical’ study would unfairly disadvantage them.

20. Question 19: Where there are additional occupation-specific requirements that can be delivered or assessed off the job, do you agree that these should be incorporated into T levels? If not, why not?

- 20.1. Yes. These additional requirements are often key to gaining entry to employment. For example, an understanding of professionalism and the importance of adhering to regulatory requirements and codes of conduct are key in the legal sector. Learners need to understand what regulation means, and this is also true of other sectors, such as those working in the food and drink industry will need to achieve hygiene certificates to demonstrate their understanding of food safety.

21. Question 20: Do you agree with the information we propose to include in the certificate? Yes/No – Please explain your answer.

- 21.1. No. For the purposes of transparency and accountability the name and logo of the awarding organisation which assessed the Technical qualification should be clearly shown on the certificate.
- 21.2. Additionally, as already recommended, learners and employers would benefit from having an overall grade. E.g. For presentation in a CV in the same way as A Levels.

22. Question 21: Do you agree that partial attainment should be reflected in the proposed transcript? Yes/No. Please give reasons for your response.

- 22.1. Yes, it is important to recognise partial achievement. The proposed T Level programmes are large and therefore risky for learners if they do not achieve all elements. It will also more easily enable learners to seek exemptions against other qualifications, or undertake their studies more flexibly.

23. Question 22: How can T levels be designed in a way that enables students to progress onto apprenticeships?

- 23.1. T Level learners should not need to repeat assessment as part of an Apprenticeship if they have already covered and been assessed in the same area. Recognition of prior learning is therefore important to ensure that the same skills are not retested unnecessarily. Consideration should be given to

allowing exemptions from parts of an end-point assessment if commensurate assessment has already been undertaken.

24. Question 23: How can T levels be built to provide a solid grounding for, and access to higher levels of technical education?

- 24.1. It is recommended that professional bodies be consulted to ensure that the lower level T Level programmes provide the right foundation to allow for progression on to further study and higher level jobs.

25. Question 24: What good practice already exists in enabling learners with technical (rather than academic) backgrounds gain access to, and succeed on, degree courses?

- 25.1. Support is needed for learners when choosing the right degree course to fit with their skills and experience.
- 25.2. Consideration should be given to the additional support that degree providers can include with their provision to allow T Level learners to succeed.
- 25.3. Consideration should also be given as to what knowledge and skills are required to succeed on a degree course. T Levels would then need to lay a foundation for future development of these skills.
- 25.4. By considering from both angles the appropriate support can be given throughout the learner journey so that any gaps are reduced.

26. Question 25: What support should we consider as part of a transition offer to ensure that students can progress to level 3 study and particularly T levels?

- 26.1. The concept of a transition year appears to conflict with earlier proposals which suggest that English and maths can be delivered alongside T Level qualifications. We recommend that additional support be built in to the T Level programme for those learners that require it.

27. Question 26: How should we adapt T levels for adults so that they meet the needs of adult learners?

- 27.1. In our view the messages coming from DfE up to this point have implied that they are aimed at 16-19 year olds. Marketing in a way that makes it clear that

T Levels are an all-age programme is essential if this is to be attractive to adults.

- 27.2. It is recommended that the key features of successful adult provision are considered such as ability to study via distance learning, part-time study which can fit around existing employment, or other flexible options for those with caring responsibilities. The T Level programmes are large and as such may be unattractive to the adult market unless there is recognition of prior learning and skills and possibly exemptions from certain elements of the programme. For example, an adult that has been working in an office environment for some time is less likely to need to develop some of the wider employability skills that a 16-19 year old would.

28. Question 27: What do you think the biggest challenges will be for providers in delivering new T levels and what additional support do you think providers will need? Specifically, ensuring:

- the right facilities are available
- the right equipment is available
- appropriately trained staff are recruited, and in the numbers required
- existing staff get high quality training and development

- 28.1. A key driver for providers is funding, and decisions about whether or not to run programmes are often made based on this. In addition, employer engagement is a critical activity for T Levels so any funding rate will need to take account of the additional work required to develop and maintain relationships with employers in their area.

- 28.2. Additional factors which can be challenging to providers include:

- Bureaucracy in the system,
- Recognition within the occupation of the value of the qualification, and
- Recruiting practitioners with sector experience for teaching activity.

29. Question 28: What information do you think will need to be provided to be able to market T levels effectively to students and parents, and how far in advance of first teaching will it be needed?

- 29.1. Parents are a key influencer in the decisions that their children make about education. Clarity is required about the difference between different Technical and academic routes. Messages about T Levels will need to be supported by businesses and careers advisers. We recommend that information is needed by learners ahead of the selection of GCSEs to allow informed subject choices and an early focus on their career.

30. Question 29: How much engagement do providers currently have with industry professionals in shaping the curriculum, teaching, and training other members of staff?

- 30.1. This varies significantly across different providers. The ability to engage with industry professionals depends on a provider's location. Those in larger towns and cities often have greater potential for forging links with industry when compared to those in more rural locations though there will be some exceptions.
- 30.2. As a professional body, CILEx has an established network of employer contacts, as will many other professional bodies. Employer buy-in is crucial to the success of T Levels and we would welcome the opportunity to support the development and implementation.

31. Question 30: What challenges will providers face if they want to bring in more industry expertise?

- 31.1. There are a number of challenges, including:
- Provider resources for engaging with industry,
 - Requirements around DBS checks,
 - The speed of changing business, and
 - Relative costs of an industry professional's time.
- 31.2. As an example, in the legal sector an hourly charging rate for a legal professional is typically between £350-£650. Therefore 3 hours out of the work environment to deliver a workshop or lecture has a significant impact on income for a business. The impact on income is more significant for smaller businesses.

32. Question 31: Should we seek to further influence which T levels are offered by providers, according to local and national skills needs? Yes/No. If yes, how should we do this?

- 32.1. Yes, the T Levels delivered by providers need to reflect their local skills needs primarily. Additional support for providers to understand the local and national market needs would help them to consider the employability prospects of learners when making decisions about T Level programmes. However, there are other factors to be considered.
- 32.2. We would also suggest that some level of choice for learners is necessary to ensure full engagement with T Levels, therefore making decisions solely based on the local market need is not advised.

33. Question 32: How do providers currently take account of local and national skills needs when planning their provision and how do they work with the existing structures that have responsibility for local skills planning?

- 33.1. This is very varied. Some providers already have good links with industry in their area and have a greater understanding of the market skills needs. These providers often plan their provision around the local and national skills needs. However other factors such as funding and ease of delivery will affect how provision is planned.

34. Question 33: What additional support will providers need to ensure that T levels meet local skills priorities?

- 34.1. It is important to make Labour Market Information data available in an accessible format for providers and also to actively encourage its use in planning provision. Destination data can be useful in the identification of hotspots of particular employers. Engagement with Local Enterprise Partnerships should also be encouraged and supported.

35. Question 34: What material could reasonably be included under the copyright of a technical qualification? Are there any other steps that we could take, within the parameters of the legislation, that would allow this to operate effectively and in everyone's interests?

- 35.1. We have serious concerns about the approach to copyright that is being proposed. We believe this will deter many Awarding Organisations from engaging with the tender process and could even mean that a successful bidder decides to withdraw during contracting with DfE.
- 35.2. The upfront investment for an Awarding Organisation when developing a qualification is significant. Often it is some time before the initial investment can be recouped. Therefore the potential for the qualification and relevant materials to be handed over to a competitor poses great risk and leads to questions around whether to engage with T Levels at all.

36. Question 35: How can the above mechanisms (i.e. licence length, lotting and transferability) be used to help AOs recover their investment, maintain appropriate profit margins but also keep the market competitive for future re-procurements?

- 36.1. The proposed mechanisms seem to go against the idea of a competitive market. The proposals raise too many questions and there is no assurance that Awarding Organisations will get a return on their investment. For this reason the licence length has to be long enough to ensure that it is worthwhile and we would ask the question, what happens if it is not worthwhile?
- 36.2. The counter argument to a long licence period is that it will enable Awarding Organisations to develop monopolies as those who are unsuccessful may have to focus on other sectors and will lose links with that sector. At worst this will cause some Awarding Organisations to cease trading. There should be consideration of the potential impact this will have for learners on other types of qualifications in this circumstance.

37. Question 36: When contracts are re-procured what would be needed over and above the licensed copyright to submit a competitive bid? How will AOs keep their skills levels up to maintain their capability to bid in future re-procurements?

- 37.1. With regards to certain areas of provision, we question whether competing Awarding Organisations will still be around when contracts are re-procured. It is likely that unsuccessful bidders in many cases will need to sacrifice similar provision and this risks the knowledge and skills that these Awarding

Organisations have developed being lost. Skills levels may be maintained by offering End-Point Assessment or higher levels of provision.

38. Question 37: Are there other variables (in addition to those listed in the text above) that could influence the return on investment for AOs? How might these factors influence interest from the AO sector for initial and further competitions?

- 38.1. Yes. The impacts of a Consortium approach should be considered in terms of the cost of set up and partnership working. There may be certain commercial sensitivities within consortiums which will need to be carefully managed.

39. Question 38: Which of proposed performance measures are most important? Please explain. Are there any other measures, such as student and employer feedback that should be part of the accountability system for T levels? Yes/No. Please explain.

- 39.1. All of the performance measures are important for different reasons. Arguably the key measure for T Levels will be whether learners can transition in to relevant employment or further education. This measure demonstrates both the value of the qualification and the providers skill in matching provision with demand for skills in their area.

40. Question 39: Do you have any comments about how we might approach the funding of T levels? How could the funding formula be adapted to distribute funding for T levels?

- 40.1. Funding primarily needs to be appropriate for the amount of work that is required taking into account the sector. Distribution of funding is also important so consideration as to when providers receive payments should be made. We suggest that funding not be front loaded in a way that reduces the incentive to progress learners through to completion. This must be balanced with the fact that the T Levels are large programmes and there will be situations where learners do not complete which are outside of a provider's control.
- 40.2. Performance criteria are necessary to ensure the quality of provision and ultimately the value of the T Level programmes.

41. Question 40: How might we adapt funding flows to AOs to make sure that the full range of T levels is available to students around the country?

- 41.1. Funding should be relative to the demand in different areas from employers. Not all providers will be able to offer all provision, which will have an impact on the cohort sizes for T Level qualifications. Therefore the fees that Awarding Organisations would need to charge to make different qualifications viable will vary significantly.
- 41.2. Consultation with awarding organisations on any potential funding models is advised and should be done prior to tender.

42. Question 41: How could any adverse impact be reduced and are there any ways we could better advance equality of opportunity or foster good relations between people who share a protected characteristic and those who do not? Please provide evidence to support your response

- 42.1. T level qualifications should be promoted in the same way as any other qualifications in order to demonstrate parity with other provision. A high quality Careers Advice Service is crucial in allowing young people to make decisions based upon their interests, ability and preferred learning styles.
- 42.2. Please also refer back to our responses to earlier questions regarding funding of work placements.

For further details

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further
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