



lauren moore <[REDACTED]>

[REDACTED]
5 messages**Public.Enquiries** <Public.Enquiries@ofqual.gov.uk>

Tue, Aug 19, 2025 at 4:51 PM

To: "[REDACTED]" <[REDACTED]>

Dear Lauren,

Thank you for calling Ofqual Public Enquiries regarding Level 2 vocational qualifications for SEND candidates age 14-16.

I have contacted the relevant team regarding our call this morning, but they also do not have any records of contact from you. They have also recommended signing up on to the recognition [gateway](#) where the team can then arrange a meeting for you to discuss your queries further.

I have provided you with additional information on the recognition process below.

If you would like us to regulate some or all of your qualifications, you must submit a successful application via our formal recognition process.

The first step, if you're interested in seeking Ofqual recognition, is to familiarise yourself with the information on our website. Please see our '[Apply to have your qualifications regulated](#)' page for a detailed explanation.

You should review the documents and guidance within this link and use them to assess how you might demonstrate your capacity to develop, deliver and award valid qualifications (we do not regulate courses). There is no charge from Ofqual when applying to become an awarding organisation however you may incur costs to meet the criteria we set.

Applying to become an Ofqual regulated awarding organisation is a big step. It's a technically complex process, and we know that many organisations find it challenging.

Your application will be reviewed against our [Criteria for Recognition](#), to ensure that you have the right financial resources, capability, competence and governance in place, all relative to the qualifications you want to offer.

It is important that you provide evidence which demonstrates how you meet each of the [Criteria for Recognition](#). The evidence needs to be clear and unambiguous, so it shows how you will meet the criteria.

If you think being a regulated awarding organisation is the right choice for you, verify your eligibility using our [recognition service](#).

Once you have confirmed your organisation's eligibility you can create an account and start the application process.

Please read our [Privacy Statement](#) (PDF, 134 KB, 4 pages) and refer to this [guide for support to set up a gateway account and Multi-factor authentication](#).

Once you have set up an account, you will then be offered a meeting with a member of Ofqual staff. The meeting will help you understand our requirements and the application process. We will talk about:

- what it means to be an Ofqual-regulated awarding organisation, so you are fully aware of our expectations
- the types of qualifications you intend to offer

- how you will ensure quality
- how you intend to operate as an awarding organisation once recognised
- What evidence we would need to see from you

If, however, you feel it would not be suitable to go through the recognition process but would still like to get your qualification on the Regulated Qualification Frameworks (RQF), you could go into partnership with an existing awarding organisation and use their recognition. This would need to be discussed directly with the awarding organisation you would like to go into partnership with. [Find a regulated awarding organisation - GOV.UK](#).

I have provided you with a useful [video](#) which provides important information when considering applying to become a recognised awarding organisation with Ofqual.

I hope this information is useful.

Yours sincerely,

Kirsty Jones
Support Officer Public Enquiries, Ofqual

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lauren moore <[REDACTED]>
To: "Public.Enquiries" <Public.Enquiries@ofqual.gov.uk>

Wed, Aug 20, 2025 at 8:28 AM

Dear Kirsty,

Thank you for your detailed reply and for outlining Ofqual's recognition process. I have considered each of the points you raised. However, I must now formally highlight why the RQF, as currently designed, is not fit for SEND/neurodiverse learners aged 14–16 with EHCPs and complex needs.

Response to Your Points

Recognition Gateway: I note your advice to apply through the Recognition Gateway. However, this process is tied to the RQF and Ofqual's Criteria for Recognition. Both were built for mainstream awarding bodies and contain no SEND/neurodiverse-specific regulatory pathway.

Criteria for Recognition: While governance, validity, and capability are central to recognition, the Criteria do not require awarding organisations to demonstrate specialist SEND/neurodiverse regulation expertise. This omission confirms the framework was never designed for this cohort.

Reasonable Adjustments: I note your reference to reasonable adjustments. However, reasonable adjustments cannot and do not meet the statutory requirements of learners with EHCPs.

EHCPs under the Children & Families Act 2014 are legally binding, multi-agency plans combining education, health, and care.

By contrast, reasonable adjustments under the Equality Act 2010, s.20 are reactive, minimal measures (extra time, rest breaks, alternative formats).

To treat these as equivalent breaches both Acts – adjustments cannot substitute the statutory obligations within an EHCP.

Partnership Route: Partnering with an existing awarding organisation would still mean delivering qualifications inside the RQF – which was never built for SEND/neurodiverse learners. This does not resolve the problem.

Guidance & Video Links: These resources are entirely mainstream-focused. They do not address 14–16 neurodiverse learners with EHCPs, those home-educated, or those out of education awaiting assessment.

Core Issues & Legal Duties

1. No SEND/Neurodiverse Pathway in the RQF

The RQF has no SEND/neurodiverse route. It was never built to regulate qualifications designed solely for EHCP learners.

Breach: Equality Act 2010, s.149 – Ofqual must proactively advance equality of opportunity, not just fit SEND learners into mainstream frameworks.

2. Reasonable Adjustments Inadequate for EHCP Learners

Adjustments cannot meet the multi-agency, statutory provisions of EHCPs.

Breach: Children & Families Act 2014 (Part 3) – EHCP learners must receive holistic support, including vocational preparation for adulthood.

3. No Level 2 Vocational Progression for 14–16 SEND/Neurodiverse Learners

Learners are offered Level 1 only, then repeat core units at Level 2. This denies genuine progression.

Breach: Human Rights Act 1998, Protocol 1, Article 2 (Right to Education without discrimination).

Breach: UNCRPD Article 24 – equal access to vocational training.

4. Insurance Exclusion Until Age 18

Even where a learner completes an Ofqual-regulated Level 2, they cannot obtain insurance until 18, leaving them without an employable outcome during statutory school age.

Breach: SEND Code of Practice 2015 – requires preparation for adulthood and employment.

Breach: Equality Act 2010, s.149 – indirect discrimination, as mainstream peers progress sooner.

5. No SEND/Neurodiverse Expertise in Regulation

Ofqual's Criteria for Recognition do not require regulators or awarding organisations to demonstrate SEND/neurodiverse expertise.

Breach: Children & Families Act 2014, s.19 – duty to involve children/young people with SEN in shaping their provision.

Request for Written Confirmation

I therefore respectfully request Ofqual confirms in writing – without delay – the following points:

1. That the RQF has no designated SEND/neurodiverse pathway, and Ofqual does not regulate qualifications built specifically for learners with EHCPs and complex needs.
2. That the only mechanism for SEND/neurodiverse inclusion within the RQF is "reasonable adjustments" to mainstream qualifications.
3. That reasonable adjustments are not sufficient to meet the statutory requirements of learners with EHCPs under the Children & Families Act 2014.
4. That SEND/neurodiverse learners aged 14–16 are not typically offered Level 2 vocational qualifications within the RQF, and progression repeats Level 1 units rather than providing genuine advancement.
5. That learners under 18 who complete Ofqual-regulated Level 2 qualifications cannot obtain insurance, leaving them without employable outcomes until adulthood.
6. That Ofqual's recognition framework has no requirement for regulators or awarding organisations to demonstrate specialist SEND/neurodiverse expertise.

Conclusion

Your reply has clarified Ofqual's processes, but it also highlights that the RQF was never designed for SEND/neurodiverse learners. By relying only on reasonable adjustments, Ofqual falls short of its duties under the Equality Act 2010, the Children & Families Act 2014, the SEND Code of Practice 2015, and the UNCRPD.

For this reason, I am progressing LUNA as an awarding body and trying to prove the need for my luna sen regulator, with a dedicated SEND/Neurodiverse RQF designed specifically for children aged 14–16 completing Level 2 vocational qualifications, with ability to offer my own luna insurance for student from age 16. (Unlike every insurance all students have to wait to reach 18, not my insurance)

I therefore ask that you confirm the above points in writing at the earliest opportunity, so this position can be recorded and referred back through my MP, Catherine McKinnell, as part of my ongoing case for establishing a dedicated SEN/neurodiverse regulator.

Kind regards,
Lauren Moore
[Quoted text hidden]

Public.Enquiries <Public.Enquiries@ofqual.gov.uk>
To: lauren moore <[REDACTED]>

Wed, Aug 20, 2025 at 4:09 PM

Dear Lauren,

Thank you for your reply.

Your correspondence has been transferred to the relevant team to review, and they will contact you directly in due course.

Yours Sincerely

[Quoted text hidden]

lauren moore <[REDACTED]>
To: "Public.Enquiries" <Public.Enquiries@ofqual.gov.uk>

Wed, Aug 20, 2025 at 4:12 PM

Hi

No problem, all i am asking if for confirmation in writing ofqual rqf is not designed or built for sen/neurodiverse learners with complex needs that the learner has a echp.

Id ppreappreciate this to be resolved ASAP as this is a time sensitive matter.

Thanks

Lauren

[Quoted text hidden]

Public.Enquiries <Public.Enquiries@ofqual.gov.uk>

Wed, Aug 20, 2025 at 4:17 PM

To: lauren moore <[REDACTED]>

Dear Lauren,

I can confirm that I have shared your below response with the relevant team so that they are aware of the urgency.

Yours sincerely,

Kirsty Jones
Support Officer Public Enquiries, Ofqual

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