



lauren moore &lt;[REDACTED]&gt;

## Pre-Action Protocol Letter Before Claim – Ofqual's Failure to Provide a SEN RQF Pathway

3 messages

lauren moore &lt;[REDACTED]&gt;

Fri, Sep 12, 2025 at 4:47 PM

To: Strategic Relationships <Strategic.Relationships@ofqual.gov.uk>, Justin Madders <justin.madders.mp@parliament.uk>

Dear Ofqual,

This is a Pre-Action Protocol Letter Before Claim under the Judicial Review procedure.

Claimant: Lauren Moore

Defendant: Office of Qualifications and Examinations Regulation ("Ofqual")

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### 1. The Decision/Failure Challenged

Ofqual has refused or failed to provide a binary answer to the following question:

Was the current Regulated Qualifications Framework (RQF) designed or structured for SEND/neurodiverse learners aged 14–16 with EHCPs? Yes or No.

Since 22 August 2025, Ofqual staff (Hannah Laurens, Senior Officer; Kirsty Jones, Support Officer) have avoided answering directly. Their own words confirm:

"Ofqual is not responsible for compliance with the Children and Families Act 2014."

"There is nothing in the RQF ... which prevents an awarding organisation from developing qualifications ..."

"We do not think there is any information we can now usefully add."

These admissions demonstrate that the RQF was not designed or structured for SEND learners. Neutrality is not SEN design. There is no SEN RQF pathway.

### 2. Legal Grounds

This failure breaches:

Equality Act 2010 – ss.19, 20, 149 (indirect discrimination; failure of anticipatory duty; breach of Public Sector Equality Duty).

Children and Families Act 2014 – s.42 (failure to secure EHCP provision).

SEND Code of Practice 2015 (duty to prepare for adulthood and employment).

Human Rights Act 1998 – Protocol 1 Art.2 (right to education) and Art.14 (non-discrimination).

UNCRPD (Art.24) – duty to provide equal access to vocational training.

SEND learners are left repeating Level 1 units, without genuine Level 2 progression, employability, or insurable outcomes until 18.

### 3. Chronology

A full timeline is set out in Annex A – Chronology. Key events include:

22 Aug 2025 – Claimant to Ofqual (Hannah Laurens): Binary question first put.

28 Aug 2025 – Ofqual (Hannah Laurens): "Ofqual is not responsible for compliance with the Children and Families Act 2014."

28 Aug 2025 – Ofqual (Hannah Laurens): "There is nothing in the RQF ... which prevents an awarding organisation..."

5 Sep 2025 – Ofqual (Hannah Laurens): "We do not think there is any information we can now usefully add."

Aug 2025 – Ofqual (Kirsty Jones): Recognition Gateway reply, confirms no SEN-specific pathway.

13 Aug 2025 – DfE reply via Justin Madders MP: "This would create a conflict of interest. Ofqual ... already has responsibility ..."

21 Aug 2025 – DfE (Miss Stewart): Cites Becky Francis review – a policy exercise, not a qualification framework.

Aug 2025 – Cabinet Office: Refusal of [.gov.uk](https://www.gov.uk) domain for LUNA as "not a public body."

#### 4. Evidence

Annex B – Evidence Extracts contains verbatim correspondence from Ofqual, DfE, the Cabinet Office, and MPs. These confirm that:

No SEN-specific RQF pathway exists.

Ofqual disclaims responsibility for EHCP statutory duties.

SEND learners are confined to Level 1 repetition.

Insurable/employable outcomes are denied until 18.

SEND expertise is not a baseline requirement for awarding organisations.

#### 5. Remedy Sought

The Claimant seeks:

1. Written confirmation from Ofqual that the RQF was not designed or structured for SEND/neurodiverse learners aged 14–16 with EHCPs.

2. Immediate engagement with the Claimant, MPs, and DfE to establish a parallel SEND RQF framework and regulator (LUNA SEN Regulator), with:

Independent recognition equal to Ofqual.

A SEN Learning Record (LLR) to log and secure achievements.

Pathways mapped to statutory duties under the Equality Act, CFA 2014, SEND Code, HRA, and UNCRPD.

3. Recognition that the LUNA SEN Regulator and LUNA Learning Record are already built, structured, and ready to operate, requiring only formal government recognition and adoption. This ensures immediate compliance, employability at 16, and lawful parity with peers.

#### 6. Response Required

Ofqual is required to respond within 14 days of this letter. Failure to do so will result in judicial review proceedings without further notice.

This correspondence, together with Annexes A and B, will be relied upon in any subsequent claim.

Kind regards,

Lauren Moore

 Attachments:

Annex A – Chronology (Final PDF)

Annex B – Evidence Extracts (Final PDF)

On Fri, 12 Sept 2025, 10:30 Strategic Relationships, <[Strategic.Relationships@ofqual.gov.uk](mailto:Strategic.Relationships@ofqual.gov.uk)> wrote:

Hello Lauren,

Thank you for your message. At this stage, we don't believe there's any additional information we can provide that would be helpful. However, you're very welcome to get in touch, alongside your MP, to arrange a meeting if you feel that would be beneficial.

Best regards,

Hannah

**Hannah Laurens**  
**Senior Officer Strategic Relationships, Ofqual**

• **Switchboard:** 0300 303 3344

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**From:** lauren moore <[REDACTED]>

**Sent:** 10 September 2025 16:45

**To:** Strategic Relationships <[Strategic.Relationships@ofqual.gov.uk](mailto:Strategic.Relationships@ofqual.gov.uk)>; Justin Madders <[justin.madders.mp@parliament.uk](mailto:justin.madders.mp@parliament.uk)>

**Subject:** Re: Ofqual enquiry

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Dear Hannah,

Thank you for your reply of **2 September 2025**.

I repeat the central factual question, which Ofqual has still not answered:

**Was the current RQF designed or structured for SEN/neurodiverse learners aged 14–16 with EHCPs? Yes or No.**

I have attached a short **Evidence Bundle** which sets out, using Ofqual's own words, government correspondence, and the consultation you cited, why the answer can only be **No**. The document highlights:

- Ofqual's own admissions on **28 August 2025 (16:25)** that no SEND-specific rules exist, EHCP duties are disclaimed, progression is left to awarding organisations, and the framework is merely neutral ("nothing prevents" ≠ "designed/structured").
- The consultation *After the QCF* (2015), which deregulated qualifications to give awarding organisations "greater freedom" and contains no SEN/EHCP provisions.
- The Minister's reply to Justin Madders MP (13 August 2025), which repeats the same reliance on "reasonable adjustments." Adjustments to mainstream exams are not a framework designed or structured for SEN/EHCP learners.
- A timeline of delays since **22 August 2025**, where Ofqual repeatedly deferred to "internal meetings" and still refused to provide a binary answer.

If the RQF had been designed or structured for SEN/EHCP learners, Ofqual would have been able to confirm **Yes** immediately with evidence. It has not. Neutrality is not compliance with:

- **Equality Act 2010** (ss.19, 20, 149),
- **Children and Families Act 2014** (s.42),
- **SEND Code of Practice 2015**,
- **Human Rights Act 1998 (Art.14)**,
- **UNCRPD (Art.24)**.

Accordingly, I now require Ofqual to:

1. Provide a **binary written answer** to the above question by return.
2. **Immediately contact Justin Madders MP's office** to arrange the three-way meeting requested. Further email exchanges are no longer acceptable.

If Ofqual continues to refuse, I will escalate via judicial review, referral to the Equality and Human Rights Commission, and Parliamentary action.

Kind regards,  
**Lauren Moore**

On Tue, Sep 2, 2025 at 4:25 PM Strategic Relationships <[Strategic.Relationships@ofqual.gov.uk](mailto:Strategic.Relationships@ofqual.gov.uk)> wrote:

Good afternoon,

Thank you for your further message. We have reviewed our previous response and the specific questions you have raised. I am sorry you found our response unsatisfactory, but we do not think there is any information we can now usefully add.

Ofqual carefully considered its duties under equalities law when it set the conditions which make up the RQF, following public consultation in 2015. You might find it useful to read our consultation, analysis and decisions, which can be found at this link:

<https://www.gov.uk/government/consultations/after-the-qcf-a-new-qualifications-framework>

You called us and asked whether we would meet with you, together with your MP. If Mr Madders MP feels such a meeting would be beneficial, then his office should let us know when he would like to meet and what aspects of your query he would like to discuss. We can then consider which members of staff are best placed to attend that meeting.

Thanks,

**Hannah Laurens**  
**Senior Officer Strategic Relationships, Ofqual**

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**From:** lauren moore <[REDACTED]>  
**Sent:** 28 August 2025 17:14  
**To:** Strategic Relationships <[Strategic.Relationships@ofqual.gov.uk](mailto:Strategic.Relationships@ofqual.gov.uk)>  
**Subject:** Re: Ofqual enquiry

Dear Hannah,

Thank you for your response. However, you have not answered the specific factual questions I asked. I therefore reply to each of your points in turn, using your own words back to you, and require a binary "Yes" or "No" answer to my original question:

Was the current RQF designed or structured for SEND/neurodiverse learners aged 14–16 with EHCPs?

1. Reasonable adjustments and EHCP statutory duties

My question: Are “reasonable adjustments” sufficient to meet the statutory requirements of learners with EHCPs under the Children & Families Act 2014?

Your answer: “Ofqual is not responsible for compliance with the Children and Families Act 2014.”

My reply: This is not an answer. Either the RQF was designed to comply with statutory EHCP duties, or it was not. Disclaiming responsibility does not remove Ofqual from its Public Sector Equality Duty under the Equality Act 2010. Please confirm: was the RQF designed to embed EHCP compliance? Yes or No.

## 2. Progression and Level 2 vocational access for SEND learners aged 14–16

My question: Why are SEND learners aged 14–16 not typically offered genuine Level 2 vocational progression, instead repeating Level 1 units?

Your answer: “It is for awarding organisations to decide what qualifications to develop and for schools, colleges, and other centres to decide which qualifications should be delivered. Ofqual has no role in those decisions.”

My reply: This avoids the point. My question was whether the RQF was designed or structured to guarantee progression routes for SEND learners aged 14–16. Your answer confirms it was left entirely to AOs and schools, with no framework requirement. Please confirm: was the RQF structured to ensure SEND learners have genuine Level 2 progression? Yes or No.

## 3. Employability and insurance

My question: Why can under-18s with Ofqual-regulated Level 2 qualifications not obtain insurance, leaving them without employable outcomes?

Your answer: “This is not a question which Ofqual can answer as it has no knowledge of the insurance market.”

My reply: This does not address the issue. If the RQF was designed for SEND/neurodiverse learners, employable outcomes (including insurability) would have been embedded. By saying Ofqual has “no knowledge,” you confirm the framework did not consider SEND learners’ employment needs. Please confirm: was the RQF designed to ensure employability and insurance access for SEND learners under 18? Yes or No.

#### 4. Specialist SEND expertise

My question: Why does the Ofqual recognition framework have no requirement for regulators or awarding organisations to demonstrate SEND/neurodiverse expertise?

Your answer: "An awarding organisation which chose to specialise... would need to demonstrate its competence."

My reply: This confirms SEND competence is optional, not a baseline requirement for recognition. That means the recognition framework itself was not structured with SEND in mind. Please confirm: was SEND expertise embedded as a mandatory requirement in the RQF's recognition criteria? Yes or No.

#### 5. Neutrality of the RQF

Your answer: "There is nothing in the RQF or any of the other conditions set by Ofqual which prevents an awarding organisation from developing qualifications designed specifically to meet the needs of learners with SEND or neurodiverse learners."

My reply: This confirms the RQF is neutral — it allows SEND provision if an AO chooses, but was not structured for SEND learners as standard. Neutrality is not compliance with Equality Act 2010 duties. Please confirm explicitly: was the RQF designed or structured for SEND learners aged 14–16 with EHCPs? Yes or No.

#### Conclusion

You have not answered my original binary question. Instead, your responses confirm:

The RQF is neutral, not SEND-structured.

EHCP duties are disclaimed.

Progression for SEND learners is not embedded.

Employable outcomes are not ensured.

SEND expertise is not required for recognition.

Accordingly, I must insist once again:

Was the current RQF designed or structured for SEND/neurodiverse learners aged 14–16 with EHCPs? Yes or No.

A refusal to provide a binary answer will amount to obstruction and may constitute breach of the Equality Act 2010 (ss.19, 20, 149), Children and Families Act 2014 (s.42), SEND Code of Practice 2015, Human Rights Act 1998 (Art.14), and UNCRPD (Art.24).

Please provide your written confirmation by close of business.

Kind regards,

Lauren Moore

On Thu, 28 Aug 2025, 16:25 Strategic Relationships, <[Strategic.Relationships@ofqual.gov.uk](mailto:Strategic.Relationships@ofqual.gov.uk)> wrote:

Hello Lauren,

Thank you so much for your patience.

You have asked whether we agree with a particular statement about the Regulated Qualifications Framework (RQF). The simplest answer we can give is that we do not agree with that statement. We hope it is useful to explain why, and to do that we have looked back through your messages to us. You might already know some of the information we have included, but it can help to set our answer in context.

Ofqual regulates awarding organisations. An awarding organisation must be regulated by Ofqual if it wants to offer regulated qualifications in England. To become regulated, an awarding organisation must apply for Ofqual recognition and demonstrate that it meets the Criteria for Recognition which Ofqual has set and published. When an organisation applies for recognition, it must tell us about the qualifications it wants to offer and explain to us how it will make sure those qualifications are good quality.

Turning to one of your specific concerns, if an organisation applied for recognition seeking to offer qualifications specifically for learners they work with, in a particular age group and at a particular level, it would need to demonstrate how it will make sure it can access the specialist skills and experience to help it develop and deliver high quality qualifications for that group of learners. We don't have different Criteria for qualifications designed for learners with SEND, an ECHP or neurodiverse learners because we don't need additional Criteria. Criterion D – Competence – asks how the awarding organisation will develop and deliver the qualifications it intends to offer; we focus our review on the qualifications the organisation wants to offer. The flexibility in the Criteria means there is nothing to stop an awarding organisation applying for - and being given - recognition to award qualifications particularly for learners they work with, for example.

Once it is recognised, an awarding organisation must make sure all its qualifications comply with the Conditions we have set. The Conditions are the General Conditions of Recognition and any Qualification Level Conditions and Subject Level Conditions we have set. It is convenient to refer to the conditions as our rules.



Most of these rules are set to describe high level outcomes – for example, each qualification must have a specification which describes what it will test, how it will be tested and how a learner's level of attainment will be decided, and we have set other rules which require the awarding organisation to make sure the qualification does what the specification says it will do.

The RQF is the way we describe some additional rules which are mostly about the way the size and level of a qualification is decided and described. We set these additional rules in October 2015, after a public consultation. The new rules replaced a much more restrictive set of rules called the Qualifications and Credits Framework (QCF). We removed the QCF rules to allow awarding organisations greater freedom to develop qualifications in the way they think would be best for the learners they work with.

We have not set any specific rules (for example Qualification Level Conditions) which apply only to qualifications for learners with SEND, but we don't think we need to. This is because the General Conditions of Recognition allow awarding organisations freedom to choose the kinds of qualifications they develop, so long as those qualifications are high quality. We don't think there is anything in our rules which would prevent an awarding organisation developing qualifications specifically for learners they work with, learners with an EHCP or neurodiverse learners.

Where we set additional rules for specific qualifications – for example GCSE Qualifications, where we have set both Qualification Level Conditions and Subject Level Conditions – these are usually more restrictive and reduce an awarding organisation's freedom of design. For example, we specify when and how GCSE's must be assessed and, together with government, the content which must be assessed for each subject.

We have set rules which require awarding organisation to make sure their qualifications are accessible to all learners and to reinforce the requirement that they must comply with Equalities Law. However, we don't have the power to require awarding organisations to produce qualifications specifically for particular learners, whether those with SEND or any other group. This is because the market for regulated qualifications is commercial, competitive, and voluntary - we only regulate the qualifications which awarding organisations choose to make available.

You raised 6 specific questions in an earlier message, we hope the answers are clear from the rest of this message, but for completeness we have set out short answers below:

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.

The RQF, along with the rest of the General Conditions of Recognition allow awarding organisations to develop qualifications for learners with SEND and neurodiverse learners. There is nothing to prevent Ofqual regulating qualifications developed specifically for learners with EHCPs and / or complex needs, should a regulated awarding organisation decide to make such a qualification available.

2. That the only mechanism for SEND/neurodiverse inclusion within the RQF is "reasonable adjustments" to mainstream qualifications.

There is nothing in the RQF or any of the other conditions set by Ofqual which prevents an awarding organisation from developing qualifications designed specifically to meet the needs of learners with SEND or neurodiverse learners.

3. That reasonable adjustments are not sufficient to meet the statutory requirements of learners with EHCPs under the Children & Families Act 2014.

Ofqual is not responsible for compliance with the Children and 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.

It is for awarding organisations to decide what qualifications to develop and for schools, colleges, and other centres to decide which qualifications should be delivered for the benefit of learners. Ofqual has no role in those decisions.

5. That learners under 18 who complete Ofqual-regulated Level 2 qualifications cannot obtain insurance, leaving them without employable outcomes until adulthood.

This is not a question which Ofqual can answer as it has no knowledge of the insurance market.

6. That Ofqual's recognition framework has no requirement for regulators or awarding organisations to demonstrate specialist SEND/neurodiverse expertise.

The Criteria for Recognition require an awarding organisation to demonstrate that it will have the necessary competence to develop, deliver and award the qualifications it wants to offer in the regulated sector. An awarding organisation which chose to specialise in qualifications for learners with SEND or neurodiverse learners would need to demonstrate its competence to develop, deliver and award qualifications for that description. Ofqual has access to a wide range of expert advice and support when it considers applications for recognition.

I hope this information proves useful. If you are ever interested in becoming an awarding organisation, or would like to explore what this involves and whether it might be the right fit for you, you are welcome to find more information on our [website](#). Alternatively, I would be happy to arrange a meeting with you and a member of our Recognition team so that you can discuss the process in more detail.

Many thanks,

Hannah

**Hannah Laurens**  
**Senior Officer Strategic Relationships, Ofqual**

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**From:** lauren moore <[REDACTED]>  
**Sent:** 22 August 2025 12:58  
**To:** Strategic Relationships <[Strategic.Relationships@ofqual.gov.uk](mailto:Strategic.Relationships@ofqual.gov.uk)>  
**Subject:** Re: Ofqual enquiry

Dear Hannah,

Thank you for your reply. However, I must make clear that my request is not one that can be deferred to an internal meeting.

I require written confirmation today of a simple factual matter:

Was the current RQF designed or structured for SEND/neurodiverse learners aged 14–16 with complex needs and/or an EHCP? Yes or no.

This is not a policy debate but a binary factual question. As the statutory regulator, Ofqual must already hold this knowledge. Any refusal to confirm today would amount to deliberate obstruction and would place Ofqual in breach of its statutory duties.

I remind Ofqual that under:

Equality Act 2010 – Sections 19, 20, and 149 (indirect discrimination, anticipatory duty, and the Public Sector Equality Duty),

Children and Families Act 2014 – Section 42 (duty to secure provision in EHCPs),

SEND Code of Practice 2015 – obligation to ensure qualifications meet SEN learner needs,

Human Rights Act 1998 (Article 14 ECHR) – prohibition of discrimination in education,

UNCRRPD (Article 24) – duty to provide equal access to vocational qualifications,

Ofqual cannot lawfully continue to avoid giving this confirmation. Reliance solely on “reasonable adjustments” does not meet these duties where the framework itself excludes learners with EHCPs.

My daughter is entering a new academic year without a qualification pathway. Every day of delay causes irreparable educational harm. For this reason, I must insist on a written response by close of business today.

If Ofqual does not provide this confirmation today, I will escalate without further notice through:

Pre-action correspondence for judicial review,

Referral to the Equality and Human Rights Commission,

Escalation via my MP Catherine McKinnell in Parliament,

Public and media exposure of Ofqual's refusal to confirm a factual matter regarding its own framework.

This is my final request. I expect Ofqual's written confirmation, yes or no, by the end of today.

Kind regards,

Lauren Moore

On Fri, 22 Aug 2025, 12:37 Strategic Relationships, <[Strategic.Relationships@ofqual.gov.uk](mailto:Strategic.Relationships@ofqual.gov.uk)> wrote:

Dear Lauren,

Thank you for your recent enquiry. I wanted to let you know that we've received it and it's currently being reviewed. While I'm unable to confirm a specific timeframe for a response at this stage, I can assure you that your query will be discussed in a meeting next week. We expect to have more information following that discussion and will update you as soon as possible. We understand you're keen to receive a response, and we appreciate your patience in the meantime.

Best regards,

Hannah



**Hannah Laurens**  
**Senior Officer Strategic Relationships, Ofqual**

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2 attachments

-  **Annex\_A\_Chronology\_Final.pdf**  
4K
-  **Annex\_B\_Evidence\_Final.pdf**  
5K

Strategic Relationships <Strategic.Relationships@ofqual.gov.uk>  
To: lauren moore <[REDACTED]>, Strategic Relationships <Strategic.Relationships@ofqual.gov.uk>, Justin Madders <justin.madders.mp@parliament.uk>

Mon, Sep 15, 2025 at 11:48 AM

Hello Lauren,

I have received your email, and it has been passed over to Ofqual’s legal team for response. Someone will be in touch.

Many thanks,

[Quoted text hidden]

Strategic Relationships <Strategic.Relationships@ofqual.gov.uk>  
To: lauren moore <[REDACTED]>

Mon, Sep 15, 2025 at 3:41 PM

Hello Lauren,

Can you please send over Annex A again, as there is an issue with the file, which looks like this:

Annex A – Chronology of Correspondence

Date	From / To	Exact Quotation	Legal / Practical Significance
22 Aug 2025	Lauren Moore → Ofqual (Hannah Laurens)	"Was the current RQF designed or structured for SEND/neurodiversity?"	Central issue questioned for Ofqual's SEN Code
28 Aug 2025	Ofqual (Hannah Laurens)	"Ofqual is not responsible for compliance with the Children's Families Act 2014/EHCP statutory duties"	Ofqual's legal position on statutory duties
28 Aug 2025	Ofqual (Hannah Laurens)	"There is nothing in the RQF ... which prevents an award of funding to a child with SEND"	Ofqual's interpretation of SEND/HQPA legislation
2 Sep 2025	Lauren Moore → Ofqual	Rebuttal email demanding Yes/No answer; cited Equality Act 2010, Ofqual SEN Code, HRA, UN Convention	Legal challenge based on Equality Act and international law
5 Sep 2025	Ofqual (Hannah Laurens)	"We do not think there is any information we can now usefully add"	Ofqual's refusal to answer binary question
Aug 2025	Ofqual (Kirsty Jones, Support Officer)	"Recognition Gateway process outlined. Suggested partnership with RQF provider"	Ofqual's proposed RQF provider selection process
13 Aug 2025	DfE Ministerial Reply via Justin Madders MP	"It would create a conflict of interest. Ofqual ... already chairs the RQF"	Conflict of interest claim and Ofqual's role as chair
21 Aug 2025	DfE (Miss Stewart, Ministerial & Policy Group)	"Miss Stewart's Francis curriculum and assessment review as a complex piece of work"	Ofqual's role in curriculum and assessment review
Aug 2025	Cabinet Office Naming Team	Refused .gov.uk domain for LUNA as 'not a public body.' Inconsistent with Ofqual, Ofsted, DVSA, CQC	Government's stance on Ofqual's public body status
Jul-Sep 2025	MP Correspondence (Justin Madders & Justin Madders MP)	"Is the RQF intended to be structured for SEND/neurodiversity?"	Continued questioning of RQF's purpose

Many thanks,

**Hannah Laurens**  
**Senior Officer Strategic Relationships, Ofqual**

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**From:** lauren moore <[REDACTED]>

**Sent:** 12 September 2025 16:48

**To:** Strategic Relationships <[Strategic.Relationships@ofqual.gov.uk](mailto:Strategic.Relationships@ofqual.gov.uk)>; Justin Madders <[justin.madders.mp@parliament.uk](mailto:justin.madders.mp@parliament.uk)>

**Subject:** Pre-Action Protocol Letter Before Claim – Ofqual's Failure to Provide a SEN RQF Pathway

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