



Georgia Gould MP
Minister of State
Department for Education
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Our Ref: [REDACTED]

10 November 2025

Dear Ms Gould

Re: Ms Lauren Moore [REDACTED]

We are writing again on behalf of our constituent above. You will note that we have previously been in contact with the Department about this matter and received a reply dated 13/08/25 [REDACTED]

After further discussion with Ms Moore we would like to raise additional important points for your consideration.

The previous Minister stated that “Ofqual already has responsibility for ensuring that regulated qualifications reliably indicate the knowledge, skills, and understanding students have demonstrated. Ms Moore may wish to contact Ofqual and seek advice from them on how she could establish an awarding organisation and offer Ofqual regulated qualifications for learners with special educational needs and disabilities”. However Ofqual has not developed a structured framework specifically for learners with special educational needs (SEN); instead, it has relied solely on adjustments. The current Regulated Qualifications Framework (RQF), introduced after public consultation in 2015, does not appear to be designed or structured to support progression routes for neurodiverse learners aged 14–16 with Education, Health and Care Plans (EHCPs).

This highlights a gap as the recognition framework itself was not built with SEND learners in mind. There is no dedicated regulator overseeing qualifications and awarding bodies for SEN learners, and no defined SEN pathway exists. Ms Moore is clear that she believes there is a need for government adoption or endorsement of an independent regulator focused on this cohort.

Currently, the typical offer for SEN learners aged 14–16 is limited to Level 1 qualifications. These often consist of basic units such as communication, health and safety, and teamwork. When learners attempt to progress to Level 2, they are often required to repeat these same units, resulting in delays, lowered

The Minister previously referenced a specific provision, but it does not offer full Level 2 vocational qualifications for SEN learners aged 14–16, is not independently regulated, and does not lead to insurable or employable outcomes.

The current responsibility for designing qualifications for SEND learners is left entirely to awarding organisations and schools, with no formal framework requirement. This indicates that the RQF is neutral—it permits SEND provision if an AO chooses to offer it, but it is not inherently structured to support SEND learners.

Ofqual does currently regulate some awarding bodies that offer qualifications specifically for SEND learners – for example ASDAN and some of ASDAN’s regulated qualifications are at level two. However, this seems to be an outdated system not flexible or responsive to our current understanding of the need of these pupils who need different support to thrive in their adult lives.

Ofqual says that primary legislation would be needed to set up another regulator specifically for SEND qualifications. We are aware that this would be a significant and long-term proposition.

However as the Education Committee’s recent report, *Solving the SEND Crisis*, and the Curriculum and Assessment Review interim report both highlight the urgency of reform we hope that this vital need for attention to qualification pathways for learners with special educational needs will be considered by Ministers now and as part of the upcoming reviews.

The following text sets out Ms Moore’s concerns in her own words:

“In Ofqual’s formal response to my Pre-Action Protocol letter, their solicitor confirmed three key facts:

1. The RQF was not designed or structured for SEND/EHCP learners. It is a generic framework applied equally to all regulated qualifications and does not contain any SEN/EHCP-specific architecture, progression routes, or outcome requirements.

2. Ofqual has no remit over learner progression, qualification pathways, or outcomes for specific groups of learners. This means the current RQF cannot, by design, deliver SEN-specific progression, and no “SEND-labelled” qualification can become a recognised SEN/EHCP pathway within the existing regulatory structure.

3. Creating any dedicated SEN regulator or SEN/EHCP-specific qualification framework would require primary legislation. This is Ofqual’s own confirmation that no SEN-regulated pathway currently exists anywhere within the English qualification system.

To avoid any misunderstanding, it is essential to be clear that the current national SEND/EHCP reforms referenced in recent reports relate solely to educational provision and the statutory EHCP process (assessment, placement, funding, and support). These reforms do not extend to the regulated

qualification framework. They make no changes to the RQF, Ofqual's remit, awarding-organisation responsibilities, or the progression structure of regulated qualifications. The qualification framework itself remains structurally unchanged and entirely without any SEN/EHCP-specific architecture or progression pathway.

While SEND reforms focus on school-based support and local-authority-managed provision, they do not address the qualification system that sits outside local authority control. The RQF remains a generic framework with no SEN/EHCP-specific levels, no defined progression routes, no regulated outcomes for this cohort, and no requirement for awarding organisations to offer structured pathways. This distinction is crucial, as it confirms that school-based SEND reforms cannot and do not resolve the structural qualification gap identified by Ofqual's legal team.

This point is especially important when other awarding bodies are referenced. Although organisations such as ASDAN, NCFE and others offer qualifications aimed at SEND learners, Ofqual's legal position confirms that these qualifications are still regulated only under the generic RQF. There is currently no SEN/EHCP-specific version of the RQF at any level, meaning these qualifications sit within a framework never designed for SEN/EHCP learners. As a result, they do not provide any SEN/EHCP-structured progression—vocational or academic—at Entry Level, Level 1, Level 2 or above. They do not create a regulated SEN pathway, do not deliver recognised progression routes, and are not equivalent to mainstream educational or occupational routes such as BTEC, VTCT, City & Guilds, NVQ, GCSE or Functional Skills. They also do not lead to recognised, employable or insurable outcomes, and do not deliver lawful parity with mainstream provision.

Therefore, the issue is not the existence of "SEND-labelled" qualifications, but the complete absence of a dedicated SEN/EHCP regulatory framework—an SEN-specific equivalent to the RQF—to structure and guarantee progression. Ofqual's legal correspondence confirms that such a framework does not currently exist and would require legislation to create.

Consequently, there is no statutory requirement, no regulatory mechanism, and no progression pathway within the RQF to ensure SEND/EHCP learners can access or progress through recognised qualifications at any level. This confirms the gap lies at framework/regulator level, not provider level, and prevents any reliance on the argument that "SEND provision exists," given Ofqual's own legal team have confirmed in writing that the current framework contains no SEN-specific progression structure whatsoever.

I have previously provided documentation outlining this structural gap and the need for a parallel SEN/EHCP-specific qualification framework. Including the clarification above ensures the Minister has the full and accurate information needed for informed decision-making."

Thank you for your assistance and we look forward to hearing from you further on this very important subject.

Yours sincerely,

Office of Justin Madders MP