



Qualifications Wales' Review of Standard Conditions of Recognition

Summary Report: Tranche 1 - Review of Standard Conditions of Recognition (Conditions A-C)

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1. Background and Context

The Standard Conditions of Recognition (“Conditions”) were originally introduced in Wales in 2011, and were transitioned over from Welsh Government’s General Conditions of Recognition when we took up our functions in autumn 2015.

The current Conditions have not been reviewed since our inception.

During engagement with stakeholders on our Regulatory Strategy Project in 2016-17, awarding bodies agreed that a review was due on the Conditions. Awarding Bodies told us that the Conditions had become too prescriptive and too lengthy. They also felt that they were not sufficiently transparent and were seen to limit innovation.

We therefore launched a review of the Conditions on 30 August 2017.

Review of the Standard Conditions of Recognition

The review aims to explore to what extent the Conditions are clear and accessible to awarding bodies while ensuring they enable us as the regulator to execute our regulatory functions. The review also aims to ensure that the Standard Conditions of Recognition are appropriate and relevant for learners in Wales and the Welsh qualifications system.

The review will:

- explore opportunities for simplifying the Conditions, focusing on areas such as clarity, levels of prescriptiveness, duplication, structure and value;
- review the Conditions for their appropriateness and relevance to learners in Wales, and the Welsh qualifications system;
- consider current, emerging and future policy developments and identify changes that may be implemented as part of this review, and changes that may need a longer-term approach;
- identify and address, where appropriate, the challenges awarding bodies face in demonstrating compliance with Conditions;
- identify any examples of good practice.

2. Methodology

The Conditions will be reviewed in three tranches, namely: [ABC](#), [FHI and DEG](#). We plan to carry out a review of each tranche within a timeframe of three to four months, allowing us to carry out the review within 12 months.

We will ensure that any links between the tranches are addressed throughout the review and Section J, which includes the definitions of terms, will be considered throughout each stage.

Internal Desk Based Review

Themes for the review were identified based on feedback from multiple internal and external stakeholders collected over the last 18 months. Additional evidence was collected from an independent desk based review of the Conditions to identify examples of evidence that demonstrate compliance which was carried out in March 2017. Additional data sources such as Statements of Compliance, monitoring evidence and complaints have also been collated and analysed.

Online Engagement Survey

As part of the review, we are seeking views from all recognised awarding bodies on what Conditions or groups of Conditions should be reviewed, and their reasons for this. To facilitate this, an online engagement survey has been developed for all relevant stakeholders to provide feedback on Conditions in line with the three tranches of the review; starting with A, B and C.

Our online engagement survey was open from 30th August until 30th September 2017. It was made available via our website, and letters were sent to the Responsible Officers of all 118 recognised awarding bodies inviting them to complete the survey.

36 responses to the engagement survey were received. Not all respondents answered every question.

As the survey did not ask respondents to identify themselves, it is unclear whether the responses came from awarding body representatives, sector bodies, professional groups, or from individuals and 'other' respondents.

Stakeholder Panel

To fully engage with awarding bodies and ensure that we take into account as wide ranging perspectives across awarding bodies as possible, we have conducted a Stakeholder Panel with 10 representatives from awarding bodies as well as one representative from the Federation of Awarding Bodies (FAB) and Joint Council for Qualifications. Ofqual and CCEA (the regulator of qualifications, examinations and

assessments in England and Northern Ireland respectively) are also represented on the Panel.

WJEC, City and Guilds and Pearson were invited as the three biggest awarding bodies active in Wales, as well as Agored Cymru as the only awarding body that is operating exclusively in Wales. The remaining six places on the Stakeholder Panel were filled by volunteers from other awarding bodies. We worked closely with FAB during this process so that awarding bodies felt assured of a fair representation on the Panel.

This Panel is scheduled to meet three times during the review. The Stakeholder Panel's first meeting was held at Qualifications Wales' offices on 23 October 2017.

A full list of the Stakeholder Panel membership is provided in Appendix A of this report.

Notification of engagement opportunities

The notification of engagement opportunities during tranche 1 of our review included:

- News Release: A news release, inviting the public to respond to our online feedback form was published on our website, and included in a FAB (Federation of Awarding Bodies) newsletter;
- Social Media: Our social media accounts @quals_wales / @cymwysterau_cym disseminated information on the review during the engagement period;
- Stakeholder correspondence: A letter was sent to all recognised awarding bodies, notifying them of our intention to undertake a review of our Standard Conditions of Recognition and inviting everybody to take part and send in responses and engage with the review;
- Engagement Website: All engagement materials were available on our website. A [summary](#) of the entire Review of Conditions and project plan is available.

3. Summary of Emerging Findings: Tranche 1 of Review of Standard Conditions of Recognition

For the purposes of this section of the report, references to 'respondents' should be read to include all evidence received by stakeholders through our Online Engagement Survey and the Stakeholder Panel.

General Comments

Overall, respondents support the aims of our review, with some reporting that this is timely due to the fact that the Conditions had not been reviewed since their introduction in 2011.

Comments were received across the Conditions and these were broad in nature, spanning issues of wording clarity, relevance and appropriateness, as well as comments around formatting, style and structure.

Responses not only provided comments on Conditions A-C, but themes that could also be applicable to other groupings of Conditions and could have an impact on other tranches.

Definitions was identified as an area to explore during the review, which involves those in Section J, as well as those across other sections of the Conditions.

Respondents reported that they are supportive of the review whilst also mindful of the need for careful consideration of potential regulatory burden caused by making such changes.

The review also raised the use of guidance. Respondents were of the opinion that additional guidance would help their understanding of the Conditions, as well as workshops and events to share best practice across awarding bodies. Use of the logos of multiple regulators on certificates was identified as a notable example where further clarification was required.

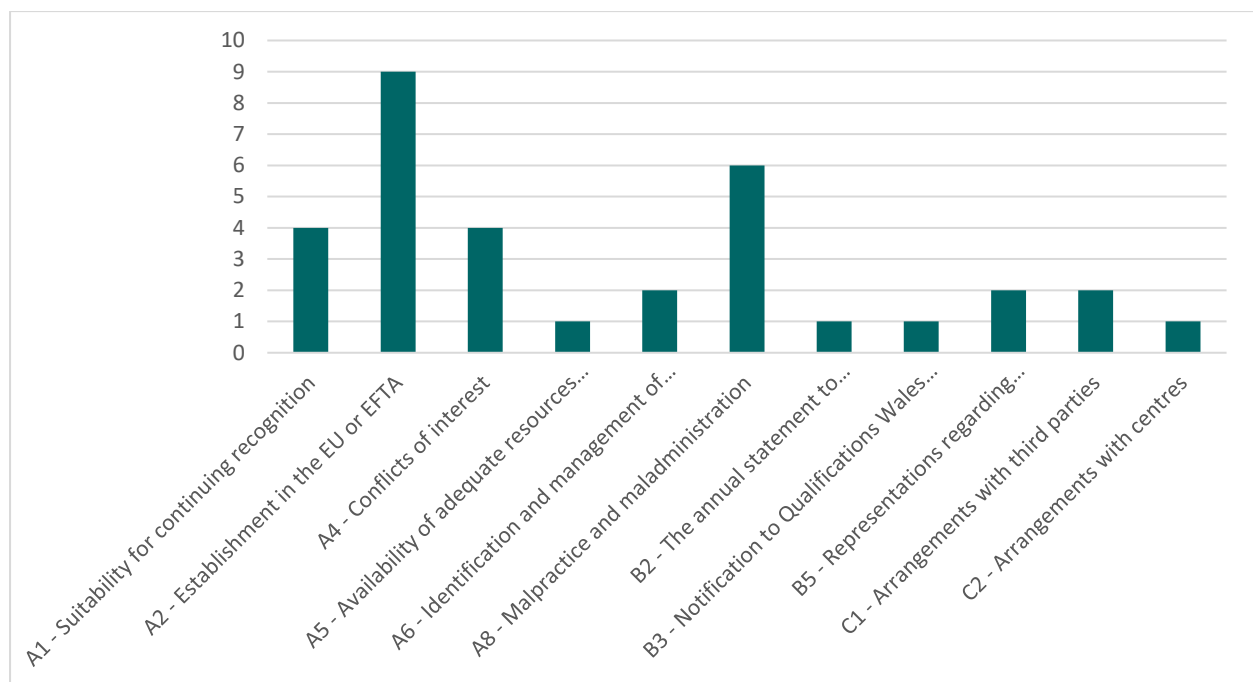
Priority of Conditions

As part of our Online Engagement Survey, respondents were asked to identify up to five Conditions that they considered to be a priority for reviewing (see Figure 1).

It should be noted that it was not specified whether survey respondents should select from Conditions A-C specifically, whether they should select an overarching section (e.g. B3) or a particular Condition (e.g. B3.1).

The majority of survey respondents selected from Conditions A-C and chose an overarching section. Figure 1 below shows that A2, followed by A8 were the Conditions identified most frequently across all respondents:

Figure 1: Number of survey respondents prioritising Conditions A-C for review



Emerging Themes

A number of themes have emerged from analysis of the data at tranche 1 and are outlined below:

a) Currency of other legislative requirements

The majority of respondents stated that some Conditions would need to be amended in order to reflect current legislative requirements, in particular the implications of the UK's withdrawal from the European Union, and the enforcement of the General Data Protection Regulation due in May 2018 (Conditions A2 and A6).

b) Structure

Respondents highlighted that certain Conditions did not read as Conditions per se, but appear to read as supplementary information to prior Conditions, or providing definitions of terms relevant to the preceding Condition. Furthermore, awarding bodies asked whether Conditions should be read in conjunction with others, or whether Conditions should be able to be read in isolation. Conditions A1.2, A1.5, A3.2, A4.1, B3.2, B4.2, C3.2 are examples.

Whilst respondents reported that such Conditions did not always require compliance and therefore could potentially be revised, respondents also told us that changes to numbering and/or formatting could result in potential regulatory burden.

Respondents indicated that they provide Statements of Compliance (SoCs) to three

regulators based on similar templates, and that changes to the structure of our Conditions could affect their document templates and their reporting methods.

A small number of respondents said that small changes to the Conditions structure e.g. grouping Conditions and re-numbering could give the appearance that the Conditions were more divergent across the regulators than they actually would be. However, there was also acknowledgement that examples of divergence already existed between each regulator's Conditions.

c) Definitions

Several themes are emerging around definitions and explanatory conditions.

Firstly, the approach to definitions has been raised. Some Conditions are viewed by awarding bodies as definitions rather than requirements per se. Respondents have also raised the rationale for including some definitions in section J, whilst others are included across the other sections.

Secondly, examples have been reported where definitions in Conditions A do not correspond with those in Section J. An example given was the definition of 'endorsement process' in section J, which was not perceived as comparable with Condition C3.2.

Thirdly, we have received responses on individual definitions, where respondents identified Conditions that need to be reviewed. For example, many respondents agreed the need for further clarity on the definition of the Responsible Officer role and a person best suited to the authoritative contact role.

Respondents identified the need for greater distinction to be made between maladministration and malpractice, and third parties and centres. Due to the fact that they were distinct terms, respondents felt that they would probably require different actions and/or responses. Similar comments were received in relation to complaints and appeals as outlined in Condition C2.3.

d) Guidance

Respondents reported that they use Ofqual's existing guidance to the General Conditions of Recognition, and emerging findings suggest that awarding bodies would benefit from supplementary guidance on our Standard Conditions of Recognition.

It should be noted that the current guidance was produced by Ofqual for the purposes of section 153 of the Apprenticeships, Skills, Children and Learning Act 2009 (the '2009 Act'). Whilst all awarding bodies¹ have a legal obligation under the

¹ Awarding Organisations for the purposes of the 2009 Act

2009 Act to have regard to this guidance, the Qualifications Wales Act 2015 makes no such provision to have regard to guidance when complying with our Standard Conditions in Wales.

Some of the areas identified so far where additional guidance would aid understanding and compliance include application of regulator logos, incident reporting, investigating and reporting, identifying and managing risks and sharing information across awarding bodies.

Emerging findings suggest that Qualifications Wales guidance documents would be useful, with supplementary guidance across regulators produced, where appropriate. In addition, some respondents have said that workshops would be beneficial to share best practice and common understanding.

e) *Regulators' requests for documents and/or policies*

There are some Conditions that currently require awarding bodies to have documentation in place and/or to submit these to us. Respondents have queried whether these Conditions are fit for purpose. Condition A4.8 is one example, with several respondents questioning whether creating and maintaining a document in itself ensured that awarding bodies identified and managed risks of conflict of interest. Respondents have asked us to consider how the wording could better reflect the requirement placed on awarding bodies in terms of management and identification of conflict of interest, rather than the emphasis currently on producing and/or submitting a document.

4. Next Steps

All comments received as part of the tranche 1 review have been collated and analysed. We will consider the findings carefully, and they will inform our thinking as we move forward to consider Conditions FHI and DEG in tranches 2 and 3.

The online engagement survey for tranche 2 was launched on 5 December 2017. All stakeholders are encouraged to participate and this will close on 8 January 2018. Further Stakeholder Panel meetings will be held in 2018 during tranches 2 and 3, which will look at Conditions FHI and DEG respectively.

We will continue to collect evidence from a wide range of sources, and no decisions will be taken until the review has been completed.

Following the completion of our review and analysis of all the evidence, we will consider any revisions we might propose to the Conditions and the appropriateness of conducting a consultation. In the event of changes to the Conditions, a revised version will be published in Spring 2019, to be effective from September 2019.

Appendix A: List of Stakeholder Panel Members

Qualifications Wales' Stakeholder Panel for the Review of Standard Conditions of Recognition consists the following organisations:

- Qualifications Wales
- Ofqual
- CCEA
- WJEC CBAC
- Pearson Education
- City and Guilds
- Agored Cymru
- NCFE
- Scottish Qualifications Authority (SQA)
- Sports Leaders UK
- Vocational Training Charitable Trust (VTCT)
- YMCA Awards
- FDQ Ltd
- Federation of Awarding Bodies (FAB)
- Joint Council for Qualifications (JCQ)