



Criteria for General Recognition

MAY 2020



The *Criteria for Recognition* set out the requirements that need to be met by an awarding body before it can gain recognition status by Qualifications Wales, under The Qualifications of Wales Act 2015. Organisations wishing to become a recognised awarding body must meet these Criteria.

We keep our Regulatory Documents under review and welcome feedback at any time. Please send any comments to policy@qualificationswales.org.

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A – Identity, Constitution and Governance

Identity

A.1 The Applicant is a clearly identifiable person (whether an individual or a body).

Constitution

A.2 The Applicant:

- (a) is ordinarily resident in the UK, Gibraltar or a member state of the European Union or the European Free Trade Association, or
- (b) has a substantial presence in the UK, Gibraltar or a member state of the European Union or the European Free Trade Association.

A.3 Unless the Applicant is an individual:

- (a) it is properly constituted in accordance with law, and
- (b) it holds all registrations, authorisations, or approvals required to be held by a person of its type.

Governance

A.4 The Applicant is organised and governed in such a way that will provide appropriate support for its activities as a recognised awarding body.

A.5 The Applicant has in place appropriate arrangements to secure that it will be able to:

- (a) identify and monitor any Conflict of Interest which exists in relation to it, and;
- (b) manage any Conflict of Interest which relates to it, to ensure that the Conflict of Interest does not give rise to prejudice to Learners or potential Learners or adversely affect:
 - (i) the ability of the Applicant to undertake the development, delivery or award of qualifications in accordance with its Standard conditions of recognition, any approval criteria or conditions of approval its qualifications will have met;

- (ii) the standards of qualifications which the Applicant may make available as a recognised awarding body, or
- (iii) public confidence in qualifications.

A.6 Where the Applicant is not an individual, it has in place appropriate arrangements to ensure that its Governing Body will have continuing oversight of, and be directly accountable for:

- (a) the performance of its activities as a recognised awarding body, and;
- (b) its compliance with its Standard conditions of recognition, and compliance of its qualifications with any approval criteria or conditions of approval.

B – Integrity

Integrity of the Applicant

B.1 The Applicant must be a suitable person to be recognised for the award of the relevant qualifications, having regard in particular to:

- (a) any criminal convictions held by it;
- (b) any finding by a court or any professional, regulatory, or government body that it has been in breach of any provision of Competition Law, Equalities Law, or Data Protection Law;
- (c) any finding by a court or any professional, regulatory, or government body that it has been in breach of a provision of any legislation or any regulatory obligation to which it is subject, and
- (d) any instance of insolvency or corporate financial restructuring to which it is or has been subject.

Integrity of Senior Officers

B.2 Each of the Senior Officers of the Applicant must be a suitable person to be engaged in that role in an awarding body that is recognised for the award of the relevant qualifications, having regard in particular to:

- (a) any criminal convictions held by him or her;

- (b) any finding by a court or any professional, regulatory, or government body that he or she has breached a provision of any legislation or any regulatory obligation to which he or she is subject;
- (c) any instance of bankruptcy or any individual financial arrangements to which he or she is or has been subject;
- (d) any occasion on which he or she has been disqualified from holding the directorship of a company or from public office, and
- (e) any finding of malpractice or maladministration, in relation to a qualification (whether a regulated qualification or a qualification which is not regulated), to which he or she is or has been subject.

C – Resources and Financing

C.1 The Applicant has, or has appropriate arrangements in place to ensure that it will have:

- (a) the systems, processes and resources, and
- (b) the financial resources and facilities.

To enable it to undertake, in accordance with its Standard conditions of recognition or any approval criteria or conditions of approval based on its qualifications, the development, delivery and award of any qualification which it may make available as a recognised awarding body.

D – Competence

D.1 The Applicant's understanding of, commitment to, and approach to the development, delivery and award of qualifications is sufficient, having regard to the need to ensure that:

- (a) it will be able to undertake, in accordance with its Standard conditions of recognition or any approval criteria or conditions of approval placed on its qualifications, the development, delivery and award of any qualification for which it is recognised;
- (b) any such qualification must, as far as possible, be Valid, Reliable, Comparable, Manageable and Minimise Bias, and

- (c) any such qualification must be compatible with the requirements of Equalities Law.

Interpretation

In these criteria, the following rules of interpretation shall apply:

- 1) Unless the context suggests otherwise, in these criteria:
 - (a) words in the masculine gender are to be read as including the feminine gender (and vice versa);
 - (b) words in the singular are to be read as including the plural (and vice versa);
 - (c) references to 'it' are to be read as including references to 'he' and 'she' (and vice versa);
 - (d) the words 'in particular' indicate a list of examples and should not be read as limiting the scope of the words that occur before them;
 - (e) references to 'person' include any body of persons, whether corporate or un-incorporate;
 - (f) a 'qualification' means a regulated qualification (and includes any units of that qualification);
 - (g) 'relevant qualification' refers to any qualification in respect of which the Applicant is applying for recognition or which falls within a description of qualifications in respect of which the Applicant is applying for recognition. For the purposes of this document, 'Relevant qualification' does not include any qualification for which Qualifications Wales has published qualification-specific criteria for recognition;
 - (h) references to an Act of Parliament or measure or Act of the National Assembly for Wales include any secondary legislation made under that Act or measure.
- 2) Titles and headings in these criteria are for information only and are not to be used for the purposes of interpretation.

Defined terms

In these criteria, the following words shall have the meaning given to them below (and cognate expressions should be construed accordingly):

- the Act** The Qualifications Wales Act 2015.
- Applicant** The person who has applied to Qualifications Wales to be recognised as an awarding body in accordance with section 5 of the Act.
- Centre** An organisation undertaking the delivery of an assessment (and potentially other activities) to Learners on behalf of an awarding body. Centres are typically educational institutions, training providers, or employers.
- Comparable** Assessment outcomes that are comparable in standards between assessments within a qualification, between similar qualifications, with other awarding bodies, and over time. Where an assessment has equivalent forms then it is important to ensure comparability of outcomes. There are two reasons for this:
- (a) To reach fair comparisons about the attainment of Learners: It is impossible to produce different forms with exactly the same content and statistical specifications (such as the level of difficulty or demand on the Learner). Therefore, a requirement to ensure comparability of outcomes makes sure the level of difficulty or demand of the test forms is taken into account when setting standards so that Learners taking the different forms can be compared fairly, and
 - (b) To ensure that the outcomes can be used as a measure of standards: Outcomes from different forms of the same test must be comparable if they are to be used to measure standards over time. Both expert judgements and statistical procedures such as test equating can be used to ensure comparability of outcomes from different forms of the same test. It is, however, important to ensure

that assessments are not so similar that they become predictable, as this would be a threat to the qualification being Valid.

Competition law	The Competition Act 1998, or any legislation in a jurisdiction other than Wales which has an equivalent purpose and effect.
Conflict of interest	<p>A conflict of interest exists in relation to an Applicant where:</p> <ul style="list-style-type: none">(a) its interests in any activity undertaken by it, on its behalf, or by a member of its Group have the potential to lead it to act contrary to its interests in the development, delivery and award of qualifications in accordance with its Standard conditions of recognition or any approval criteria or conditions of approval placed on its qualifications;(b) a person who is connected to the development, delivery or award of qualifications by the Applicant has interests in any other activity which have the potential to lead that person to act contrary to his or her interests in that development, delivery or award in accordance with the Applicant's Standard conditions of recognition, or any approval criteria or conditions of approval placed on its qualifications;(c) an informed and reasonable observer would conclude that either of these situations was the case.
Data protection law	The Data Protection Act 1998, or any legislation in a jurisdiction other than Wales which has an equivalent purpose and effect.
Equalities law	The Equality Act 2010, any Act that was a statutory predecessor to that Act, or any legislation in a jurisdiction other than Wales which has an equivalent purpose and effect.
Governing body	Where the awarding body is a limited company, the board of directors of the awarding body. Where the awarding body is not a limited company, a person or group of people having the equivalent status within the organisational structure of the awarding body.

Group	Where the Applicant is a limited company, a group made up of any company which is a holding company of the Applicant, a subsidiary of the Applicant or a subsidiary of a holding company of the Applicant. Where the Applicant is not a limited company, a person or group of people having the equivalent status.
Learner	A person who is registered to take a qualification and to be assessed as part of that qualification.
Manageable	Manageability relates to the feasibility of carrying out particular assessment processes. A Manageable assessment process is one which places reasonable demands on Centres and Learners. The evaluation of the reasonableness of the demands will be based on the scale of the assessment process on the participants, balanced by the usefulness of the outcomes. As with the other requirements (the qualification being Valid, Reliable, Comparable and Minimising Bias), judgements about the qualification being Manageable must be balanced with considerations around the other requirements.
Minimise bias	Minimising bias is about ensuring that an assessment does not produce unreasonably adverse outcomes for Learners who share a common attribute. The Minimisation of Bias is related to fairness to all Learners and is also closely related to statutory equality duties.
Reliable	Reliability is about consistency and so concerns the extent to which the various stages in the assessment process generate outcomes which would be replicated were the assessment repeated. A qualification must be Reliable as a necessary condition of the qualification being Valid, as it is not possible to demonstrate the Validity of an assessment process which is not Reliable. The Reliability of an assessment is affected by a range of factors such as the sampling of assessment tasks and inconsistency in marking by human assessors.

Senior officer	A director or senior executive officer of the Applicant or, where the Applicant is not a limited company, a person holding a position of equivalent status within the organisational structure of the Applicant.
Standard conditions of recognition	All conditions to which an awarding body's recognition is subject (including standard conditions imposed under schedule 3 of the Qualifications Wales Act 2015.)
Valid	<p>Where evidence and theory support the interpretation that the assessment outcomes meet their intended uses.</p> <p>The evaluation of Validity involves the development of a clear argument to support the proposed interpretation of the outcomes and as a consequence the intended uses of the assessment. The Validity argument should be built on statements of the proposed interpretation and supporting evidence collected from all stages of the assessment process.</p>