



Statement of Compliance 2018 Review

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1. Introduction

Qualifications Wales is the independent regulator of general and vocational qualifications in Wales. We regulate to achieve our principal aims of ensuring that qualifications, and the Welsh qualifications system, are effective for meeting the reasonable needs of learners in Wales and promoting public confidence in qualifications and the Welsh qualifications system.

We regulate awarding bodies against our [Standard Conditions of Recognition](#) Condition B2.1 of our Standard Conditions of Recognition requires all recognised awarding bodies to submit an annual statement of compliance to us. The statement of compliance is based on the awarding body's self-evaluation of their compliance status against all the Standard Conditions of Recognition. We expect awarding bodies to have an effective process in place to monitor their compliance on an ongoing basis. Awarding bodies with effective self-evaluation processes in place may identify a current and / or likely future non-compliance. Depending on the nature of the non-compliance, this may not be a significant cause for concern if they have a clear plan in place to address the issue and to return to full compliance.

The statement of compliance is a key monitoring tool that supports our intelligence-led and risk-based approach to regulation. We use the information and evidence collected from statements of compliance, alongside other information and evidence, to monitor awarding bodies' compliance with our Standard Conditions of Recognition.

This report describes how we reviewed the statements of compliance for 2018 and summarises our main findings.

2. Statement of compliance process

In the 2018 statement of compliance we asked awarding bodies to confirm whether they were:

- fully compliant with all our Standard Conditions of Recognition; and
- likely to be non-compliant with any of our Standard Conditions of Recognition within the next 12 months.

If an awarding body declared that they were non-compliant, or likely to be non-compliant over the next twelve months, we required them to submit an action plan detailing the steps that they were taking and / or planning to take to become compliant.

For 2018, we included additional lines of inquiry requests for information and evidence within the statement of compliance. We asked awarding bodies to:

- describe how they identify and manage conflicts of interest (condition A4).
- describe their procedure for identifying, managing and investigating cases of malpractice and maladministration (condition A8).
- describe their procedures for making both reasonable adjustments and giving special consideration to learners (conditions G6 & G7).

Awarding bodies submitted their statement of compliance electronically through our Qualifications in Wales (QiW) database.

3. Compliance

3.1 Summary of compliance

All (106) awarding bodies that we regulated on the closing date of the statement of compliance submission window (28th September 2018) submitted statements of compliance to us. We reviewed all 106 statements of compliance in detail and considered the evidence submitted alongside all other relevant intelligence we hold on each awarding body. Our findings are presented in the graph below.



Graph 1: Statement of compliance findings following review

We found that 76% (81 of 106) of awarding bodies were compliant with all Standard Conditions of Recognition and were likely to comply with all Standard Conditions of Recognition for the next 12 months, compared to 86% (96 of 112) in 2017. 24% (25 of

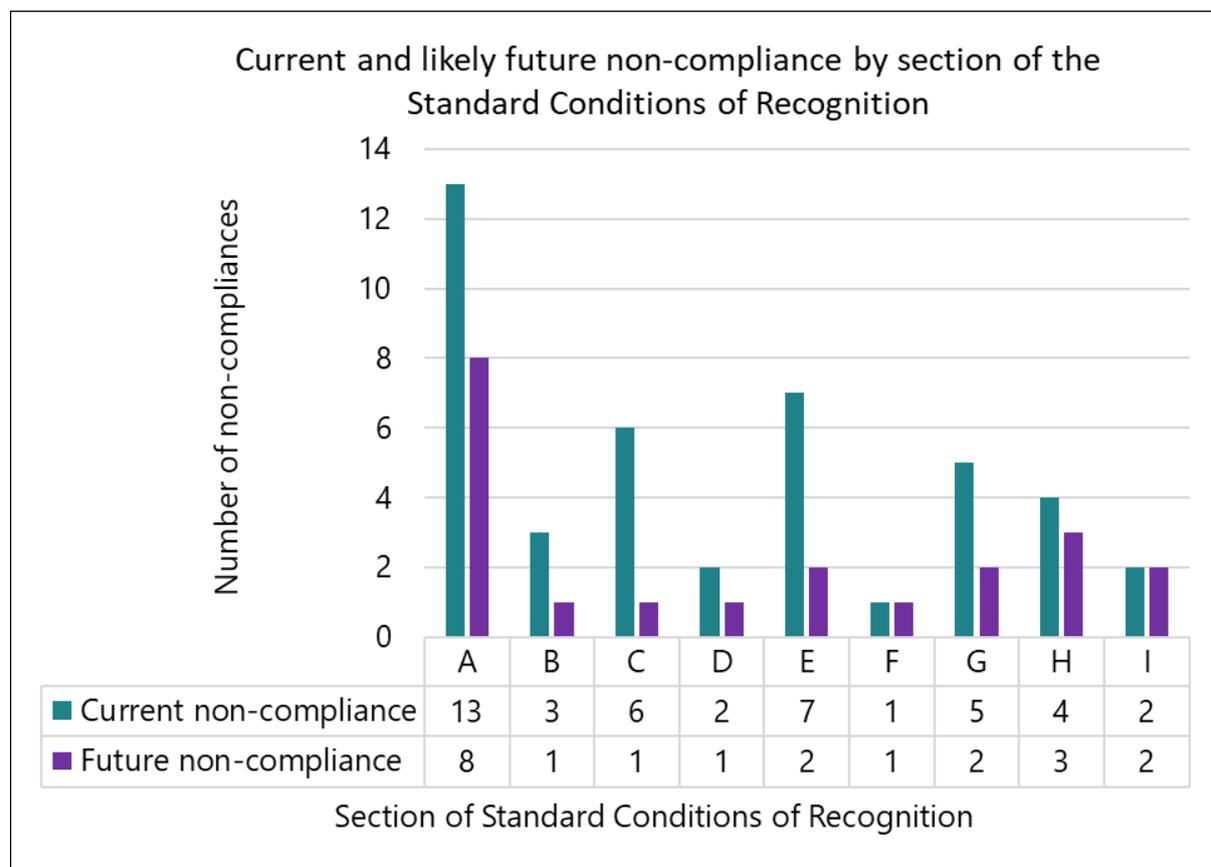
106) of awarding bodies were non-compliant and/or likely to be non-compliant in the future, compared to 14% (16 of 112) in 2017.

Following submission of their statements two awarding bodies surrendered recognition in Wales. One of these awarding bodies had declared current compliance and likely future compliance, the other had declared current non-compliance. In addition, following enforcement action, one awarding body had their recognition in Wales formally withdrawn. This awarding body had originally declared current non-compliance with the Standard Conditions of Recognition.

Five awarding bodies which had declared current non-compliance in 2017 declared continued non-compliance with some of the same conditions in their 2018 statements. Continued monitoring of these action plans have provided us with satisfactory assurances that these issues are being addressed, with all five awarding bodies moving towards achieving compliance.

3.2 Non-compliance and/or likely future non-compliance by section of our Standard Conditions of Recognition

For the twenty-five current non-compliant and/or likely future non-compliant awarding bodies, the graph below shows the instances of non-compliance / likely future non-compliance by each section of our Standard Conditions of Recognition.



Graph 2: Current and likely future non-compliance by section of the Standard Conditions of Recognition following review

As for the previous three years, the most frequent section of our Standard Conditions of Recognition with which awarding bodies were non-compliant and/or likely future non-compliant is Governance (section A). A total of sixteen awarding bodies were non-compliant with Governance conditions. Of these sixteen, eight declared current non-compliance with this section. Five awarding bodies declared both current and likely future non-compliance and the remaining three declared likely future non-compliance only.

The second most frequent category of non-compliance and/or likely future non-compliance was section E (Design and development of qualifications). Section E has been the second most frequent section for non-compliance declarations for the previous two years. Five awarding bodies declared current non-compliance and two declared both current and future likely non-compliance. Four out of the seven declarations for section E related to assigning total qualification time (TQT) to qualifications.

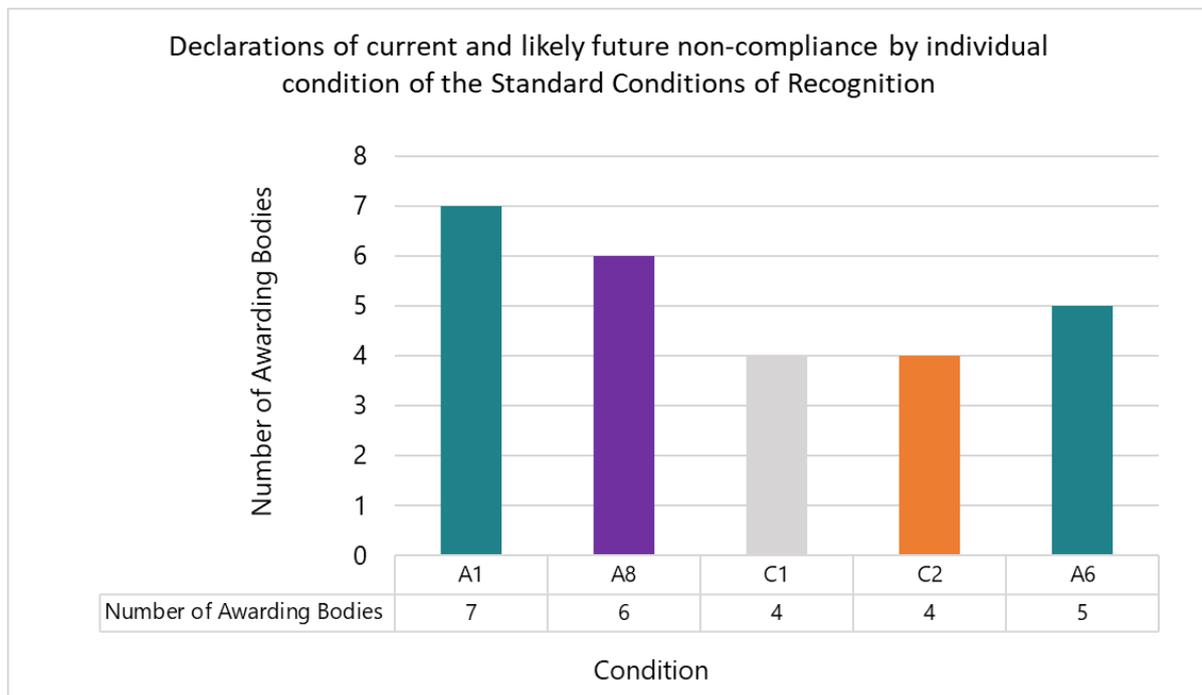
The third most frequent categories of non-compliance and/or likely future non-compliance were section C (Third parties), and section G (Setting and delivering the assessment). Both sections had six awarding bodies declaring current or likely future non-compliance.

For section C, five awarding bodies declared current non-compliance and one awarding body declared both current and likely future non-compliance. The non-compliance declarations were solely linked to Condition C1 (Arrangements with third parties) and Condition C2 (Arrangements with centres).

An increased number of awarding bodies declared non-compliance and/or likely future non-compliance with section G compared to previous years. Four awarding bodies declared current non-compliance with this section. One declared both current and future likely non-compliance and one declared likely future non-compliance only. Declarations of non-compliance focussed on setting assessments, maintaining confidentiality of assessment materials and ensuring assessments are completed in accordance with the required conditions.

3.3 Non-compliance and likely future non-compliance by individual conditions

The graph below shows the most frequently identified conditions of non-compliance and/or likely future non-compliance.



Graph 3: Current and likely future non-compliance by individual condition of the Standard Conditions of Recognition

The most frequent individual condition of current non-compliance and/or likely future non-compliance was A1, relating to suitability of continuing recognition. Seven awarding bodies declared non-compliance and/or likely future non-compliance with this condition. Five of the seven awarding bodies specifically declared non-compliance and/or likely future non-compliance with Condition A1.3(a), compared to two declarations in 2017. One awarding body declared non-compliance against this condition for a second year. Condition A1.3(a) requires awarding bodies to have awarded qualifications in Wales during the previous two-year period. Non-compliance with this condition does not reflect negatively on the quality of an awarding body’s provision, but rather provides a means of identifying awarding bodies who may not

need to maintain their recognised status in Wales due to a lack of demand for their qualifications.

The level of risk to the qualification system in Wales associated with non-compliance with Condition A1.3(a) is low. All awarding bodies declaring non-compliance and/or likely future non-compliance with this condition have provided evidence within their action plans demonstrating how they are actively seeking to increase their awarding activity in Wales over the next 12 months.

The second most frequent individual condition of current non-compliance and/or likely future non-compliance was A8, which relates to the procedures an awarding body has in place to manage and prevent allegations of malpractice and maladministration. Six awarding bodies declared non-compliance and/or likely future non-compliance with this condition compared to two in 2017.

This condition was closely followed by Condition A6 (Identification and management of risks). Five awarding bodies declared non-compliance against A6, compared to three declarations in 2017. Given the potential significant impact of non-compliance with these conditions we have included Conditions A8 and A6 within our lines of inquiry within the statement of compliance over the previous two years. In addition to this all awarding bodies declaring non-compliance and/or likely future non-compliance with these conditions have provided evidence of the steps that they are taking to strengthen the external quality assurance and risk assessment processes they have in place. We are regularly reviewing each awarding body's progress against their action plans to ensure they return to full compliance as soon as possible and reduce the likelihood of an adverse effect for learners.

Both C1 (Arrangements with third parties) and C2 (Arrangements with centres) were the fourth most frequently declared conditions of non-compliance. Awarding bodies declaring non-compliance with these conditions have provided action plans to develop their centre approval processes and strengthen arrangements they have in place with subcontractors.

There appeared to be a correlation between areas of non-compliance and monitoring activity undertaken by CCEA, Ofqual and Qualifications Wales. Awarding bodies who declared non-compliance following regulatory activity identified this within their action plans.

4. Lines of inquiry responses

4.1 Summary of responses

The overall quality of the line of inquiry responses had generally improved this year. However, the quality of responses still varied significantly from one awarding body to another. Awarding bodies with submissions considered as strong organised their text response into subheadings by condition sub-sections. Beneath these headings a concise explanation of how the awarding body met compliance with the sub-condition was provided. These explanations clearly sign-posted relevant sections of the supporting evidence. Across all lines of inquiry, stronger responses provided evidence of regular policy and process reviews.

Awarding bodies with weaker submissions provided text responses which lacked structure and detail and did not clearly sign-post relevant sections of the supporting documentation. There was often an over-reliance on providing multiple supporting documents which were not always clearly linked to the condition. In some cases, multiple supporting documents needed to be reviewed to establish the process and systems an awarding body had in place.

4.2 Conflicts of Interest

Awarding bodies were required to describe how they identify and manage conflicts of interest (condition A4).

The stronger responses outlined a clear process for managing and monitoring conflicts of interest which was supported by appropriate evidence. Annual self-declarations from staff were actively sought and comprehensive detail was provided as to how these declarations were then monitored and by whom. Stronger responses also supplied documents outlining perceived or likely conflicts of interests that could arise and the mitigating actions that the awarding body had in place to limit the likelihood or impact of such an occurrence. Some responses also drew a distinction between how they managed conflicts of interest across the organisation and made specific reference

to how they monitor conflicts of interests at their approved centres and with subcontractors. A process to prevent involvement of staff with a personal interest in learner assessment was clearly documented within the evidence supplied.

Weaker responses did not provide evidence of active monitoring of conflicts of interest declarations. Responsibility lay with staff to declare a conflict of interest as and when it arose, and there was no requirement for all staff to make annual declarations in addition to this. How the awarding body mitigated against a member of staff with a personal interest in a learner's assessment was not always apparent.

4.3 Malpractice and Maladministration

Awarding bodies were required to describe their procedure for identifying, managing and investigating cases of malpractice and maladministration (condition A8).

Stronger responses clearly outlined the steps an awarding body took to prevent the occurrence of malpractice and maladministration in the development, delivery and award of qualifications. A distinction was drawn between centre and learner malpractice, and a comprehensive investigation process outlining the steps to be followed was evidenced. Supporting documents clearly signposted users to separate appeals and sanctions policies. Active monitoring of centre processes was evident through external quality assurance processes and additional guidance and centre training was provided on an ongoing basis to help prevent malpractice and maladministration occurring.

Weaker responses provided a basic reference to the investigation process and the actions that could be taken if malpractice and/or maladministration was proven to have occurred. Limited evidence of centre monitoring was provided.

4.4 Reasonable Adjustments and Special Consideration

Awarding bodies were required to describe their procedures for making both reasonable adjustments and giving special consideration to learners (conditions G6 & G7).

Stronger responses demonstrated processes that were clearly underpinned by the 2010 Equality Act. Clear distinctions were drawn between reasonable adjustments and special consideration. A detailed application and approval process which outlined eligibility criteria and the adjustments that could be applied was evident. Where centres were permitted to authorise reasonable adjustments on behalf of the awarding body frequent scrutiny and monitoring of these decisions were in place.

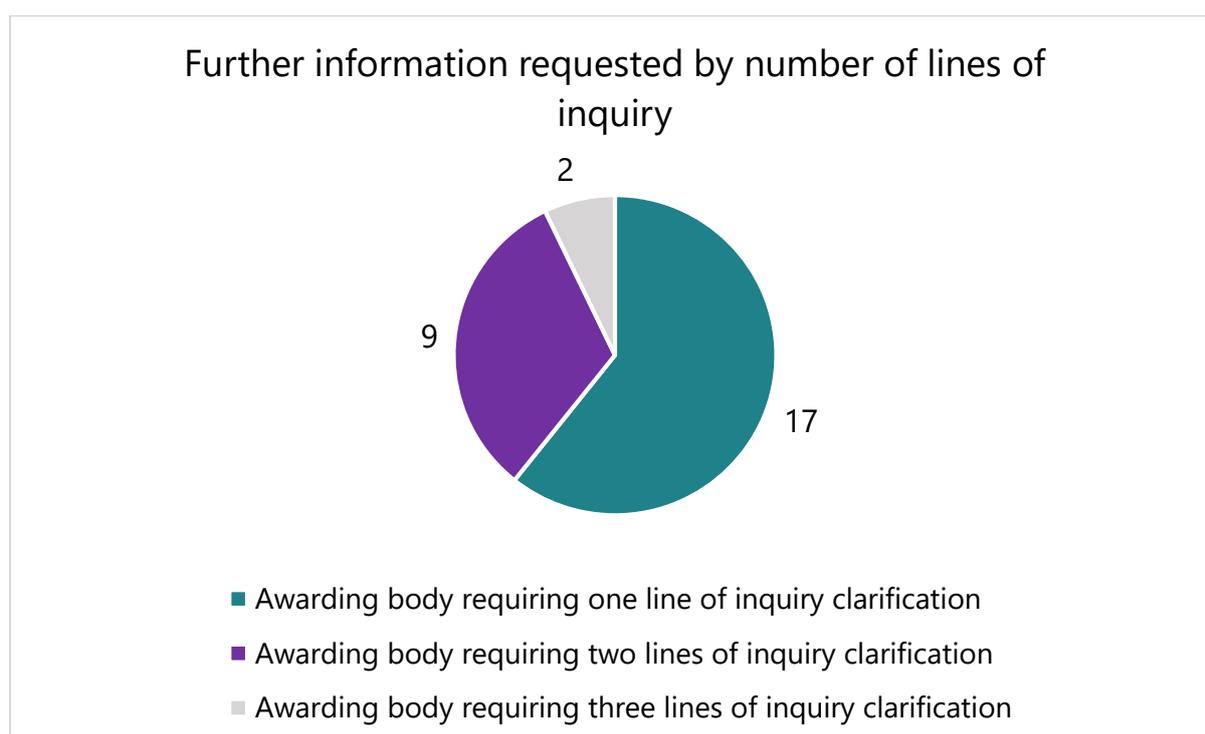
Weaker responses provided evidence of processes which predominantly focussed on reasonable adjustments rather than special consideration. In some cases, limited or no guidance regarding eligibility and the application process was provided.

5. Our response to the statements of compliance

5.1 Requests for further information

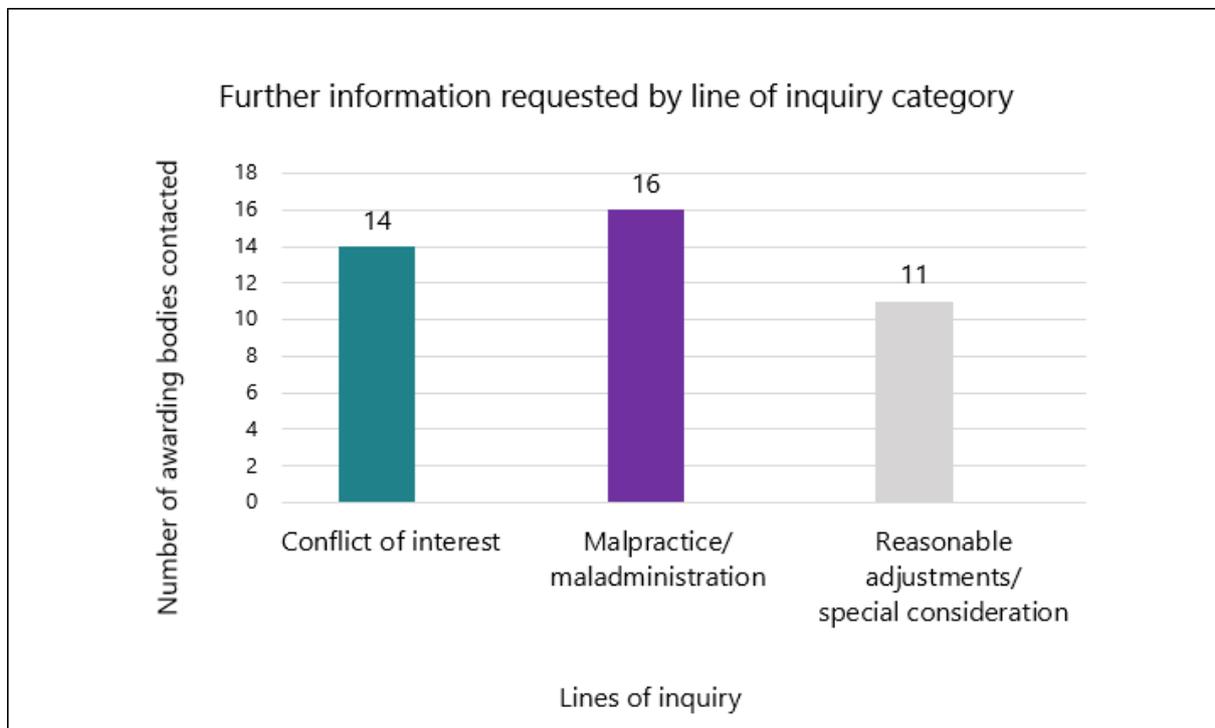
Although we identified the general quality of responses had improved this year responses varied across awarding bodies. Some awarding bodies included minimal information which was not supported by evidence, whilst others provided very detailed and evaluative information, with clear linkage between the text response and supporting evidence.

Therefore, we requested additional information from 26% (28 of 106) of all awarding bodies, primarily due to their statements being unclear or containing insufficient evidence. This can be compared to the 2017 figure of 41% (46 of 112). Some awarding bodies were required to provide further information on more than one line of inquiry, as shown in the graph below.



Graph 4: Further information requested by number of lines of inquiry

The graph below illustrates the categories of requests for further information for the three lines of inquiry. The most common category which required additional clarification was the line of inquiry relating to malpractice and maladministration.



Graph 5: Further information requested by line of inquiry category

We received satisfactory responses to all our requests for further information and / or evidence from awarding bodies. In a minority of cases, awarding bodies identified during this review that their existing policies or processes did not adequately address the conditions and provided us with evidence that these had subsequently been updated.

5.2 Action plans

We required all (25) awarding bodies that were non-compliant and / or likely to be non-compliant over the next 12 months to produce action plans. We are regularly monitoring these action plans and, where appropriate, we will conduct follow-up monitoring activity over the next year to validate the completion of the action plans. We will use the outcomes and the evidence from the 2018 statement of compliance process to inform our future awarding body monitoring programme.

5.3 Reference to the regulator

During the review we identified a significant number of awarding bodies (61%, 65/106) had either omitted or made inaccurate references to Qualifications Wales within their supporting evidence. Of these 65, 83% (54), did not reference Qualifications Wales and/or the Standard Conditions of Recognition when other regulators had been specifically mentioned. The remaining 17% (11) of awarding bodies made inaccurate references, referring to Qualifications Wales as the Welsh Government and QiW. Qualifications Wales is an independent regulatory body and QiW is our database of approved and designated qualifications.

All 11 awarding bodies who made inaccurate references to Qualifications Wales were contacted and have since provided written assurance that any inaccuracies will be amended as soon as possible or when policy revision allows. For all other awarding bodies, a formal email outlining best practice and issues identified during the 2018 review was sent out upon official closure of their statement of compliance submissions. All awarding bodies should ensure they include accurate reference to Qualifications Wales in their documentation. We will continue to monitor this in the 2019 statement of compliance.

6. The 2019 statement of compliance process

The 2019 statement of compliance submission window will be 3 June – 30 September. We are currently developing the lines of inquiry for 2019. We will write to awarding bodies in May 2019 to inform them of our requirements for the 2019 statement of compliance process.

7. Appendix 1 – Standard Conditions of Recognition Headings

Part 1 – The awarding body	
Section A	Governance
Section B	The awarding body and Qualifications Wales
Section C	Third parties
Part 2 – The regulated qualification	
Section D	General requirements for regulated qualifications
Section E	Design and development of qualifications
Section F	Providing qualifications to purchasers
Section G	Setting and delivering the assessment
Section H	From marking to issuing results
Section I	Appeals and certificates
Section J	Interpretations and definitions