



**Regulatory Document
REGULATORY POLICIES AND PROCEDURES**

Standard Conditions of Recognition

March 2017

Version Control:

This document outlines the Standard Conditions of Recognition which consist of the General Conditions of Recognition previously published by the Welsh Government and transitioned to Qualifications Wales with minor changes and updates. The changes were made so that the Conditions of Recognition can be applied by Qualifications Wales to recognised awarding bodies as standard conditions of recognition under the Qualifications Wales Act 2015 and as applied by the Qualifications Wales Act 2015 (Commencement No. 2 and Transitional Provisions) Order 2015. The changes were made by Welsh Government on behalf of Qualifications Wales. Additional changes have been made by Qualifications Wales in view of the removal of the Qualifications and Credit Framework (QCF). For ease of reference, the changes have been incorporated into this version of the Conditions. Qualifications Wales intends to review the Conditions of Recognition as part of its Regulatory Strategy and anticipates further changes to reflect the Qualifications in Wales (QiW) process model.

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Foreword

This document outlines the 'Standard Conditions of Recognition' which consist of the General Conditions of Recognition previously published by the Welsh Government and transitioned to Qualifications Wales with minor changes and updates. The changes were made so that the Conditions of Recognition can be applied by Qualifications Wales to recognised awarding bodies as standard conditions of recognition under the Qualifications Wales Act 2015 and as applied by the Qualifications Wales Act 2015 (Commencement No. 2 and Transitional Provisions) Order 2015. The changes were made by Welsh Government on behalf of Qualifications Wales. Additional changes have been made by Qualifications Wales in view of the removal of the Qualifications and Credit Framework (QCF). For ease of reference, the changes have been incorporated into the Conditions. Qualifications Wales intends to review the Conditions of Recognition and anticipates further changes to reflect the Qualifications in Wales (QiW) process model.

Part 1 – The awarding body

Section A – Governance

Condition A1 – Suitability for continuing recognition

Suitability for continuing recognition

A1.1 An awarding body must not, by means of any act or omission which has or is likely to have an adverse effect, render itself unsuitable to continue to be recognised for the award of a relevant qualification.

A1.2 For these purposes, an act or omission may include in particular one which results in the awarding body:

- (a) being convicted of a criminal offence;
- (b) being held by a court or any professional, regulatory, or government body to have breached any provision of Competition Law, Equalities Law, or Data Protection Law;
- (c) being held by a court or any professional, regulatory, or government body to have breached a provision of any other legislation or any regulatory obligation to which it is subject, or
- (d) becoming insolvent or subject to corporate financial restructuring.

Inactive awarding bodies

A1.3 An awarding body must:

- (a) take all reasonable steps to ensure that, no two – year period passes in which it does not award a qualification in accordance with its Conditions of Recognition.

Ensuring the suitability of senior officers

A1.4 An awarding body must ensure that each of its Senior Officers is at all times a person suitable to be engaged in that role in an awarding body that is recognised for the award of the relevant qualifications.

A1.5 For these purposes, a senior officer may in particular be unsuitable for that role by virtue of:

- (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 proceedings in bankruptcy or any individual financial arrangements to which he or she is or has been subject;
- (d) any disqualification from holding the directorship of a company or from public office, or
- (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.

Condition A2 – Establishment in the EU or the EFTA

A2.1 An awarding body must ensure that it at all times:

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

Condition A3 – Safeguards on change control

Duty on change of control

A3.1 Where there is a change of control in relation to an awarding body, it must:

- (a) take (and procure that every other relevant person takes) all reasonable steps to ensure that the change of control does not have an adverse effect, and
- (b) put in place a plan designed to ensure that the interests of learners will be protected.

Definition of change of control

A3.2 For the purposes of this condition, a change of control takes place in relation to an awarding body where:

- (a) a person obtains control of the awarding body who did not, immediately prior to doing so, have control of it, or
- (b) the awarding body merges with any person.

A3.3 Where the awarding body is a company, sub-sections (2), (3) and (4) of section 450 of the Corporation Tax Act 2010 shall apply for the purpose of determining whether a person has or had control of the awarding body.

Condition A4 – Conflicts of interest

Definition of conflict of interest

A4.1 For the purposes of this condition, a conflict of interest exists in relation to awarding body where:

- (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 Conditions of Recognition;
- (b) a person who is connected to the development, delivery or award of qualifications by the awarding body 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 awarding body's Conditions of Recognition, or
- (c) an informed and reasonable observer would conclude that either of these situations was the case.

Identifying conflicts of interest

A4.2 An awarding body must identify and monitor –

- (a) all conflicts of interest which relate to it, and
- (b) any scenario in which it is reasonably foreseeable that any such conflict of interest will arise in the future.

Managing conflicts of interest

A4.3 An awarding body must take all reasonable steps to ensure that no conflict of interest which relates to it has an adverse effect.

A4.4 Where such a conflict of interest has had an adverse effect, the awarding body must take all reasonable steps to mitigate the adverse effect as far as possible and correct it.

Interests in assessment

A4.5 An awarding body must take all reasonable steps to avoid any part of the assessment of a learner (including by way of moderation) being undertaken by any person who has a personal interest in the result of the assessment.

A4.6 Where, having taken all such reasonable steps, an assessment by such a person cannot be avoided, the awarding body must make arrangements for the relevant part of the assessment to be subject to scrutiny by another person.

The written conflict of interest policy

A4.7 An awarding body must establish, maintain, and at all times comply with an up to date written conflict of interest policy, which must include procedures on how the awarding body intends to comply with the requirements of this condition.

A4.8 When requested to do so by Qualifications Wales in writing, an awarding body must promptly submit to Qualifications Wales its conflict of interest policy, and must subsequently ensure that the policy complies with any requirements which Qualifications Wales has communicated to it in writing.

Condition A5 – Availability of adequate resources and arrangements

Ensuring the ability to develop, deliver and award qualifications

A5.1 An awarding body must:

- (a) ensure that it has the capacity to undertake the development, delivery and award of qualifications which it makes available, or proposes to make available, in accordance with its Conditions of Recognition, and
- (b) take all reasonable steps to ensure that it undertakes the development, delivery and award of those qualifications efficiently.

A5.2 For these purposes, an awarding body must establish and maintain:

- (a) arrangements which will ensure that it retains at all times a workforce of appropriate size and competence;
- (b) arrangements for the retention of data which will ensure that adequate information is available to it at all times;
- (c) arrangements which will ensure that sufficient technical equipment and support is available to it at all times;
- (d) appropriate management resources, and
- (e) appropriate systems of planning and internal control.

A5.3 For these purposes, an awarding body must also:

- (a) regularly review its ongoing resource requirements and make appropriate changes to take into account the findings of each review, and

- (b) adequately plan any new developments which it proposes to introduce, and allocate sufficient resources to ensure that such developments are effectively introduced.

Ensuring financial viability

A5.4 An awarding body must ensure that it will have available sufficient financial resources and facilities to enable it to develop, deliver and award qualifications in accordance with its Conditions of Recognition until at least the time by which every learner for a qualification it makes available has had the opportunity to complete that qualification.

Condition A6 – Identification and management of risks

Identifying risks

A6.1 An awarding body must take all reasonable steps to identify the risk of the occurrence of any incident which could have an adverse effect.

Preventing incidents or mitigating their effect

A6.2 Where such a risk is identified, the awarding body must take all reasonable steps to:

- (a) prevent the incident from occurring or, where it cannot be prevented, reduce the risk of that incident occurring as far as is possible, and
- (b) prevent any adverse effect that the incident could have were it to occur or, where it cannot be prevented, mitigate that adverse effect as far as possible.

Contingency plan

A6.3 An awarding body must establish and maintain, and at all times comply with, an up to date written contingency plan.

A6.4 A contingency plan must be of sufficient detail and quality to allow the awarding body to mitigate, as far as possible, the adverse effect of any incident which has been identified by the awarding body as having a risk of occurring.

Condition A7 – Management of incidents

A7.1 Where any incident occurs which could have an adverse effect, an awarding body must (whether or not it has previously identified a risk of that incident occurring) promptly take all reasonable steps to:

- (a) prevent the adverse effect and, where any adverse effect occurs, mitigate it as far as possible and correct it, and

- (b) give priority to the provision of assessments which accurately differentiate between learners on the basis of the level of attainment they have demonstrated and to the accurate and timely award of qualifications.

Condition A8 – Malpractice and maladministration

Preventing malpractice and maladministration

A8.1 An awarding body must take all reasonable steps to prevent the occurrence of any malpractice or maladministration in the development, delivery and award of qualifications which it makes available or proposes to make available.

Investigating and managing the effect of malpractice and maladministration

A8.2 Where any such malpractice or maladministration is suspected by an awarding body or alleged by any other person, and where there are reasonable grounds for that suspicion or allegation, the awarding body must -

- (a) so far as possible, establish whether or not the malpractice or maladministration has occurred, and
- (b) promptly take all reasonable steps to prevent any adverse effect to which it may give rise and, where any such adverse effect occurs, mitigate it as far as possible and correct it.

Procedures relating to malpractice and maladministration

A8.3 For the purposes of this condition, an awarding body must -

- (a) establish and maintain, and at all times comply with, up to date written procedures for the investigation of suspected or alleged malpractice or maladministration, and
- (b) ensure that such investigations are carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in their outcome.

A8.4 Where a centre undertakes any part of the delivery of a qualification which an awarding body makes available, the awarding body must take all reasonable steps to keep under review the arrangements put in place by that centre for preventing and investigating malpractice and maladministration.

A8.5 An awarding body must, following a request from such a centre, provide guidance to the centre as to how best to prevent, investigate, and deal with malpractice and maladministration.

Dealing with malpractice and maladministration

A8.6 Where an awarding body establishes that any malpractice or maladministration has occurred in the development, delivery or award of qualifications which it makes available, or proposes to make available, it must promptly take all reasonable steps to:

- (a) prevent that malpractice or maladministration from recurring, and
- (b) take action against those responsible which is proportionate to the gravity and scope of the occurrence, or seek the cooperation of third parties in taking such action.

A8.7 Where an awarding body has any cause to believe that an occurrence of malpractice or maladministration, or any connected occurrence:

- (a) may affect a centre undertaking any part of the delivery of a qualification which an awarding body makes available, it must inform that centre;
- (b) may affect another awarding body, it must inform that awarding body.

Section B – The awarding body and Qualifications Wales

Condition B1 – The role of the responsible officer

Appointing a responsible officer

B1.1 An awarding body must ensure that an individual is at all times appointed to act as its responsible officer.

B1.2 The awarding body must ensure that Qualifications Wales is informed in writing of the name of the person from time to time appointed as its responsible officer.

The role of the responsible officer

B1.3 An awarding body must ensure that its responsible officer serves as the authoritative point of contact for Qualifications Wales in relation to all activities undertaken by the awarding body which are of interest to Qualifications Wales in accordance with the Act, including in particular:

- (a) any matters relating to its compliance with its Conditions of Recognition;
- (b) its ability to undertake the efficient development, delivery and award of qualifications;
- (c) the standards of qualifications that it makes available or proposes to make available;
- (d) any matters which may affect public confidence in qualifications, and
- (e) the accessibility of qualifications it makes available, including its compliance with Equalities Law.

B1.4 An awarding body must ensure that, where –

- (a) its responsible officer makes a statement to Qualifications Wales (other than one which is required to be made by the Governing Body), Qualifications Wales will be entitled to rely on that statement as being accurate and made on behalf of the awarding body, and
- (b) the Qualifications Wales gives to its responsible officer a statement, request, or notice addressed to the awarding body, Qualifications Wales will be entitled to treat that statement, request, or notice as having been given to the awarding body.

Condition B2 – The annual statement to Qualifications Wales

B2.1 An awarding body must provide to Qualifications Wales an annual statement in accordance with this condition.

B2.2 The statement must specify either:

- (a) that the awarding body is fully compliant with its Conditions of Recognition at the date of the statement, or
- (b) that it is not so compliant, in which case the statement must describe each instance of non-compliance and the date by which the awarding body expects to rectify the failure.

B2.3 The statement must also specify either:

- (a) that the awarding body has no cause to believe that it will be likely to fail to comply with any of its Conditions of Recognition during the period of twelve months immediately following the date of the statement, or
- (b) that it does have such a cause for belief, in which case the statement must describe each instance of potential non-compliance, the ground for believing it to be likely to occur, and the steps being taken by the awarding body in relation to it.

B2.4 The statement must be accurate, formally approved by the governing body of the awarding body, and signed by the chair of the governing body and the responsible officer.

B2.5 The statement must be made in any form and on any date as may be notified to the awarding body by Qualifications Wales.

Condition B3 – Notification to Qualifications Wales of certain events

Notification where an event could have an adverse effect

B3.1 An awarding body must promptly notify Qualifications Wales when it has cause to believe that any event has occurred or is likely to occur which could have an adverse effect.

Specific examples of events which could have an adverse effect

B3.2 For the purposes of this condition, such events may in particular include those where:

- (a) there is a substantial error in the awarding body's assessment materials;

- (b) there has been a loss or theft of, or a breach of confidentiality in, any assessment materials;
- (c) the awarding body cannot supply assessment materials for a scheduled assessment date;
- (d) there has been a failure in the delivery of an assessment which threatens assessors' ability to differentiate accurately and consistently between the levels of attainment demonstrated by learners;
- (e) the awarding body will be unable to meet a published date for the issue of results or the award of a qualification;
- (f) the awarding body has issued incorrect results or certificates;
- (g) the awarding body believes that there has been an incident of malpractice or maladministration, which could either invalidate the award of a qualification which it makes available or could affect another awarding body;
- (h) the awarding body has (for any reason, whether inside or outside its control) incurred an increase in costs which it anticipates will result in an increase in its fees of significantly more than the rate of inflation;
- (i) the awarding body is named as a party in any criminal or civil proceedings or is subjected to a regulatory investigation or sanction by any professional, regulatory, or government body, or
- (j) a senior officer of the awarding body is a party to criminal proceedings (other than minor driving offences), is subject to any action for disqualification as a company director, or is subject to disciplinary proceedings by any professional, regulatory, or government body.

Notification of specified events in all cases

B3.3 An awarding body must promptly notify Qualifications Wales if it is, or if it has cause to believe that it is likely to be, subject to:

- (a) a material change in its governance structure or legal status;
- (b) a change of control;
- (c) a merger between it and another body, or
- (d) any insolvency or bankruptcy proceedings.

B3.4 An awarding body must promptly notify Qualifications Wales if it proposes to make available a qualification which is substantially different in type or content to any which it has previously made available.

Further requirements on the timing of notifications

B3.5 When it notifies Qualifications Wales of an event in accordance with this condition, or as soon as possible afterward, an awarding body must also notify Qualifications Wales of any steps that it has taken or intends to take to prevent the event having an adverse effect or to correct or mitigate that adverse effect if it occurs.

B3.6 An awarding body must not delay making a notification to Qualifications Wales in accordance with this condition because relevant information is unavailable, but must notify based on all the information that it has and provide further information to Qualifications Wales once it becomes available.

Condition B4 – Notice to provide information to Qualifications Wales

B4.1 Where Qualifications Wales serves a written notice on an awarding body requiring the awarding body to provide it with any information that it seeks for the purpose of performing its functions, the awarding body must comply with the terms of that notice.

B4.2 For these purposes a notice given by Qualifications Wales may:

- (a) specify the time within which the information is to be provided;
- (b) specify a form in which the information is to be provided;
- (c) require that the information is accompanied by such supporting documents or data as may be described, and
- (d) require an awarding body to provide information whether that information is already in its possession or has to be created or obtained by it.

B4.3 An awarding body must ensure that all information provided to Qualifications Wales in accordance with this condition is accurate and complete.

Condition B5 – Representations regarding qualifications

Statements regarding qualifications which are not regulated qualifications

B5.1 An awarding body must not (and must take all reasonable steps to ensure that any person connected with it does not) make any statement (via any act or omission) that would be likely to lead users of qualifications to believe that a qualification it makes available (whether regulated or not) is an **Approved, Designated** or regulated qualification when it is not an **Approved, Designated** or regulated qualification.

Advertising and promotion of qualifications

B5.2 An awarding body must not (and must take all reasonable steps to ensure that any person connected with it does not) advertise or promote its qualifications in a manner that is likely to be misleading to users of qualifications.

Use of the Qualifications Wales logo

B5.3 An awarding body must ensure that its use of the Qualifications Wales logo complies with logo requirements and certificate requirements which may be published by Qualifications Wales and revised from time to time.

Condition B6 – Cooperation with Qualifications Wales

B6.1 An awarding body must provide Qualifications Wales with all such assistance as it may request for the purpose of undertaking, in accordance with its functions, an investigation into, or other monitoring in relation to, the activities of that awarding body.

Condition B7 – Compliance with regulatory documents

B7.1 Where a regulatory document requires an awarding body to take or to refrain from taking any action, the awarding body must comply with that requirement.

B7.2 Where a regulatory document sets out guidelines or principles of good practice in relation to any behaviour on the part of an awarding body, the awarding body must have regard to those guidelines or principles before it engages in that behaviour.

Condition B8 – Compliance with undertakings given to Qualifications Wales

B8.1 An awarding body must comply with the requirements of any relevant undertaking.

B8.2 For the purposes of this condition, a relevant undertaking is an undertaking which:

- (a) has been given to Qualifications Wales by the awarding body
- (b) is in writing, and
- (c) states that it is an undertaking given in accordance with this condition.

Section C – Third parties

Condition C1 – Arrangements with third parties

C1.1 Where an awarding body arranges for a third party to undertake, on its behalf, any part of the development, delivery or award of qualifications which the awarding body makes available, or proposes to make available, the awarding body must:

- (a) ensure that the arrangements which it establishes with that third party enable the awarding body to develop, deliver and award qualifications in accordance with its Conditions of Recognition, and
- (b) monitor and, where appropriate, enforce such arrangements so as to ensure that it is able to develop, deliver and award qualifications in accordance with its Conditions of Recognition.

C1.2 An awarding body must take all reasonable steps to ensure that, in making any such arrangements, it does not impose unnecessary or unduly burdensome requirements on third parties.

Condition C2 – Arrangements with centres

C2.1 Where a centre undertakes any part of the delivery of a qualification on behalf of an awarding body, this condition applies in addition to the requirements in Condition C1.

C2.2 Where this condition applies, an awarding body must ensure that arrangements between it and the centre include a written and enforceable agreement.

C2.3 That agreement must in particular include provisions which –

- (a) require the centre to take all reasonable steps to ensure that the awarding body is able to comply with its Conditions of Recognition;
- (b) require the centre to take all reasonable steps to comply with requests for information or documents made by the awarding body or Qualifications Wales as soon as practicable;
- (c) require the centre to assist the awarding body in carrying out any reasonable monitoring activities and to assist Qualifications Wales in any investigations made for the purposes of performing its functions;
- (d) set out all the requirements with which the centre must comply in order to continue to deliver the qualification;

- (e) establish a sanctions policy to be applied in the event that the centre fails to comply with these requirements;
- (f) require the centre to retain a workforce of appropriate size and competence to undertake the delivery of the qualification as required by the awarding body;
- (g) require the centre to have available sufficient managerial and other resources to enable it effectively and efficiently to undertake the delivery of the qualification as required by the awarding body;
- (h) require the centre to undertake the delivery of the qualification required by the awarding body in accordance with Equalities Law;
- (i) require the centre to operate a complaints handling procedure or appeals process for the benefit of learners;
- (j) set out any moderation processes that the awarding body will undertake or that will be undertaken on its behalf;
- (k) specify a process to be followed in any withdrawal of the centre (whether voluntary or not) from its role in delivering a qualification, and
- (l) require the centre to take all reasonable steps to protect the interests of learners in the case of such a withdrawal.

C2.4 In the event that the centre withdraws from its role in delivering a qualification, the awarding body must take all reasonable steps to protect the interests of learners.

C2.5 The awarding body must, in respect of the parts of the delivery of qualifications which the centre undertakes;

- (a) provide effective guidance to the centre, and
- (b) make available to the centre any information which, for the purposes of that delivery, the centre may reasonably require to be provided by the awarding body.

Condition C3 - Arrangements with publishers

C3.1 Where an awarding body has in place an endorsement process the awarding body must:

- (a) take all reasonable steps to ensure that the endorsement process does not have an adverse effect, and;
- (b) publish the criteria which it uses to decide whether or not to endorse a particular resource.

C3.2 For the purposes of this condition, an 'endorsement process' is a process by which the awarding body endorses resources which are designed to support the preparation of learners and persons likely to become learners for assessments for a qualification which it makes available or proposes to make available.

Part 2 – The regulated qualification

Section D – General requirements for regulated qualifications

Condition D1 – Fitness for purpose of qualifications

D1.1 An awarding body must ensure that each qualification which it makes available is fit for purpose.

D1.2 A qualification will only be fit for purpose if that qualification, as far as possible, secures the requirements of:

- (a) validity;
- (b) reliability;
- (c) comparability;
- (d) manageability, and
- (e) minimising bias.

D1.3 In any case where there is a conflict between two or more of these requirements, an awarding body must secure that it achieves a balance between those requirements that:

- (a) ensures its compliance with its Conditions of Recognition, and
- (b) is objectively the optimum balance in relation to the particular qualification.

Condition D2 – Accessibility of qualifications

D2.1 An awarding body must ensure that it complies with the requirements of Equalities Law in relation to each of the qualifications which it makes available.

D2.2 An awarding body must monitor qualifications which it makes available for any feature which could disadvantage a group of learners who share a particular characteristic.

D2.3 Where an awarding body has identified such a feature, it must:

- (a) remove any disadvantage which is unjustifiable, and
- (b) maintain a record of any disadvantage which it believes to be justifiable, setting out the reasons why in its opinion the disadvantage is justifiable.

Condition D3 – Reviewing approach

Review of approach

D3.1 An awarding body must keep under review, and must enhance where necessary, its approach to the development, delivery and award of qualifications, so as to assure itself that its approach remains at all times appropriate.

Evidence to inform approach

D3.2 An awarding body must –

- (a) have due regard to all information, comments and complaints received from users of qualifications in relation to the development, delivery and award of qualifications, and
- (b) identify and give due regard to any credible evidence which suggests that a change in its approach to the development, delivery and award of qualifications is required in order to ensure that the approach remains appropriate.

D3.3 Where an event relating to an awarding body (or an event, of which it is or should be aware, relating to any other awarding body) has had an adverse effect, the awarding body must review and revise where necessary its approach to the development, delivery and award of qualifications to ensure that its approach remains appropriate.

Condition D4 – Responding to enquiries and complaints procedures

Responding to enquiries from users of qualifications

D4.1 An awarding body must answer accurately, fully and within a reasonable time any reasonable enquiries received by it from users of qualifications.

D4.2 Nothing in this condition obliges an awarding body to disclose information if to do so would breach a duty of confidentiality or any other legal duty.

Complaints procedures

D4.3 An awarding body must establish, maintain, publish and at all times comply with a written complaints procedure.

D4.4 The complaints procedure must in particular include procedures and timescales for:

- (a) responding to complaints, and

- (b) dealing with the subject matter of complaints.

Condition D5 – Compliance of qualifications with regulatory documents

D5.1 An awarding body must ensure that any qualification which it makes available, or proposes to make available, complies with any requirement relating to that qualification which is set out in a regulatory document.

D5.2 An awarding body must ensure that in the development, delivery and award of any qualification which it makes available, or proposes to make available, it has regard to any guidelines and principles of good practice relating to that qualification which are set out in a regulatory document.

Condition D6 – Compliance of units developed by others with regulatory documents

D6.1 An awarding body may only make available a qualification which uses a unit or rule of combination developed by another person where it reasonably believes that:

- (a) the unit or rule of combination complies with the requirements relating to it that are set out in any regulatory document;
- (b) in the development of the unit or rule of combination, due regard has been had to the guidelines and principles of good practice set out in any regulatory document.

Condition D7 – Management of the change in the status of qualifications or withdrawal of qualifications

D7.1 For the purposes of this condition, an awarding body changes the status of a qualification or withdraws a qualification at the point in time when:

- (a) it ceases to register learners for the qualification;
- (b) it ceases to deliver or award that qualification to learners;
- (c) (where a qualification is **Approved**) its approval in respect of that qualification expires;
- (d) (where a qualification is **Approved**) it surrenders its approval in respect of that qualification;
- (e) (where a qualification is **Approved**) it has its approval withdrawn by Qualifications Wales in respect of that qualification;
- (f) (where a qualification is **Designated**) transitional arrangements may be implemented where withdrawal of approval or revocation of designation

is made on the basis that the qualification concerned has become a restricted priority qualification;

- (g) (where a qualification is **Designated**) it has its designation revoked by Qualifications Wales with respect of that qualification;
- (h) it surrenders its recognition in respect of that qualification, or
- (i) it has its recognition withdrawn by Qualifications Wales in respect of that qualification.

D7.2 Where an awarding body intends to, otherwise believes it to be likely that it will, or is obliged to, change the status or withdraw a qualification, it must take all reasonable steps to protect the interests of learners in relation to that qualification.

D7.3 An awarding body must give to Qualifications Wales reasonable notice of its anticipated change of status or withdrawal of an **Approved** or **Designated** qualification, and must do so prior to the time at which it provides that information to any learners, centres, or purchasers of qualifications.

D7.4 Where an awarding body intends to change a status or withdraw, or is obliged to change a status or withdraw, an **Approved** or **Designated** qualification, it must:

- (a) promptly prepare, maintain, and comply with a written plan, which must specify how the interests of learners in relation to that qualification will be protected, and
- (b) provide clear and accurate information about the withdrawal to learners, centres, and purchasers of qualifications who are likely to be affected by the withdrawal.

D7.5 An awarding body must ensure that any plan which it prepares complies with any requirements which Qualifications Wales has communicated to it in writing.

D7.6 For the purposes of this condition, a change in status is, for **Approved** qualifications, defined as a qualification which is no longer **Approved** by Qualifications Wales and, for **Designated** qualifications, defined as a qualification which is no longer **Designated** by Qualifications Wales.

Condition D8 – Making available information to help meet teachers' needs

D8.1 In respect of each qualification which it makes available, an awarding body must ensure that there is available to each teacher any information which, for the purpose of preparing learners and persons likely to become learners for assessments for that qualification, the teacher may reasonably require to be provided by the awarding body.

Condition D9 - Awarding Approved qualifications outside of Wales

- D9.1 Where an awarding body awards a qualification **Approved** by Qualifications Wales to learners assessed wholly or mainly outside of Wales, and where the Qualifications Wales qualification approval number and logo is used on certificates and other materials, the qualification certificate and other materials must include the following statement “Qualifications Wales regulates this qualification where it is awarded to learners assessed wholly or mainly in Wales.”
- D9.2 Where data is used to provide an aggregate statistical context for the award of a qualification **Approved** by Qualifications Wales, this shall be based on candidates assessed wholly or mainly in Wales.

Section E – Design and development of qualifications

Condition E1 – Qualifications having an objective and support

Qualifications to have an objective

E1.1 An awarding body must ensure that each qualification which it makes available or proposes to make available:

- (a) has a clear objective in accordance with this condition, and
- (b) meets that objective.

E1.2 The objective of a qualification must be such as to lead to a benefit for learners who have reached a specified level of attainment, and may include:

- (a) preparing learners to progress to a qualification in the same subject area but at a higher level or requiring more specific knowledge, skills and understanding;
- (b) preparing learners to progress to a qualification in another subject area;
- (c) meeting relevant programmes of learning;
- (d) preparing learners for employment;
- (e) supporting a role in the workplace, or
- (f) giving learners personal growth and engagement in learning.

Qualifications to have support

E1.3 Where an awarding body proposes to make available any new qualification, it:

- (a) must first consult users of qualifications to ascertain whether there is support for the qualification, and
- (b) may only make available the qualification where it has evidence of sufficient support from users of qualifications.

E1.4 For these purposes, the following considerations will in particular be relevant in determining what constitutes sufficient support:

- (a) the objective of the new qualification;
- (b) whether the new qualification is intended to facilitate a particular route of progression for learners, and

- (c) the number of learners that the awarding body reasonably estimates is likely to take the new qualification.

E1.5 For the purposes of this condition, users of qualifications will be deemed to support a new qualification if the prevailing view of those users of qualifications is that the qualification would provide a benefit to learners.

Condition E2 – Requirements on qualification titling

E2.1 An awarding body must ensure that the title on the qualifications database of any qualification which it makes available includes the following information:

- (a) the name of the awarding body;
- (b) the level of the qualification;
- (c) the type of qualification (where the qualification has a type);
- (d) a concise indication of the content of the qualification, and
- (e) any endorsement known at the time the qualification is submitted to the qualifications database.

E2.2 An awarding body must, in addition:

- (a) ensure that the title on the qualifications database reflects the knowledge, skills and understanding which will be assessed as part of the qualification, and
- (b) take all reasonable steps to ensure that the title allows users of qualifications to identify similar units or qualifications which it makes available or are made available by other awarding bodies.

E2.3 An awarding body must ensure that each qualification which it makes available, or proposes to make available, has a title which it uses consistently in its advertising and in its communications with users of qualifications.

E2.4 An awarding body must ensure that the titles of qualifications which it makes available, or proposes to make available, are not misleading to users of qualifications.

E2.5 An awarding body must ensure that it amends the title on the qualifications database for a qualification which it makes available when it makes any revision to a level assigned to that qualification.

Condition E3 – Publication of a qualification specification

E3.1 An awarding body must, before first making available a particular qualification, publish a specification for that qualification.

E3.2 An awarding body must ensure that the specification for a qualification sets out:

- (a) the qualification's objective;
- (b) any other qualification which a learner must have completed before taking the qualification;
- (c) any prior knowledge, skills or understanding which the learner is required to have before taking the qualification;
- (d) units which a learner must have completed before the qualification will be awarded and any optional routes;
- (e) any other requirements which a learner must have satisfied before the learner will be assessed or before the qualification will be awarded;
- (f) the knowledge, skills and understanding which will be assessed as part of the qualification (giving a clear indication of their coverage and depth);
- (g) the method of any assessment and any associated requirements relating to it;
- (h) the criteria against which learners' levels of attainment will be measured (such as assessment criteria or exemplars);
- (i) any specimen assessment materials,
- (j) any specified levels of attainment,
- (k) where the awarding body is required to make such an assignment under General Condition E7 (Total Qualification Time), the number of hours which it has assigned to that qualification for each of Total Qualification Time and Guided Learning,
- (l) any value for credit which it has assigned to that qualification and any Component of that qualification, and
- (m) the level or levels which it has assigned to that qualification and any Component of that qualification.

E3.3 An awarding body must ensure that the specification for a qualification is clear, accurate and communicates, to the reasonable and informed person:

- (a) what the qualification requires of the learner in respect of each of the details that is applicable to the qualification, and
- (b) how the qualification is fit for purpose.

Amendments to the specification

E3.4 An awarding body must promptly amend the specification for a qualification following any revision by it of:

- (a) the number of hours which it has assigned for Total Qualification Time or Guided Learning
- (b) the level or levels which it has assigned to that qualification or any Component of that Qualification, or
- (c) any value for credit which it has assigned to that qualification or any Component of that qualification

E3.5 Where an awarding body has amended the specification for a qualification it must publish that specification as amended.

Application

E3.6 Conditions E3.2(l), E3.2(m), E3.4 and E3.5 shall not apply to an awarding body until such date as is specified in, or determined under, any notice in writing issued by Qualifications Wales to the awarding body under this paragraph.

E3.7 Any such notice issued by Qualifications Wales may be:

- (a) subject to any conditions that Qualifications Wales specifies (which may include conditions placing requirements on an awarding body as to its conduct prior to the date specified in or determined under it).
- (b) issued to an individual awarding body or to any group of awarding bodies.
- (c) issued in respect of one or more qualifications or descriptions of qualifications.
- (d) varied by Qualifications Wales at any time prior to the date specified in or determined under it.

E3.8 Where Qualifications Wales makes such a notice subject to conditions, an awarding body to which the notice is issued must comply with any requirements that are imposed on it in accordance with those conditions.

Condition E4 – Ensuring an assessment is fit for purpose and can be delivered

E4.1 In designing an assessment for a qualification which it makes available, or proposes to make available, an awarding body must ensure that it has or obtains adequate resources to enable the assessment to be delivered effectively and efficiently.

E4.2 In designing such an assessment, an awarding body must in addition ensure that the assessment:

- (a) is fit for purpose;
- (b) can be delivered efficiently;
- (c) allows centres to develop cost effective arrangements for its delivery, using only the resources which would be reasonably expected to be required or which are provided by the awarding body;
- (d) permits reasonable adjustments to be made, while minimising the need for them;
- (e) allows each learner to generate evidence which can be authenticated;
- (f) allows each specified level of attainment detailed in the specification to be reached by a learner who has attained the required level of knowledge, skills and understanding, and
- (g) allows assessors to be able to differentiate accurately and consistently between a range of attainments by learners.

Condition E5 – Assurance that qualifications comply with the conditions

E5.1 Before submitting a qualification for approval or designation, an awarding body must:

- (a) review that qualification, and
- (b) assure itself that the qualification complies with the requirements of its Conditions of Recognition and any relevant approval criteria, making any changes to the qualification which are necessary for that purpose.

Condition E6 – Submitting qualifications to the Database

E6.2 An awarding body must ensure that its submission of a qualification to the qualifications database:

- (a) is in a form that may be published by Qualifications Wales and revised from time to time,
- (b) contains only accurate information, and
- (c) contains all information about the qualification that is requested on the form.

Condition E7 – Total Qualification Time

E7.1 In respect of each qualification which it makes available or proposes to make available, an awarding body must assign to that qualification a number of hours for:

- (a) Total Qualification Time, and
- (b) Guided Learning.

E7.2 An awarding body must ensure that the number of hours it assigns to a qualification for Total Qualification Time includes the number of hours which it has assigned to that qualification for Guided Learning.

E7.3 In assigning Total Qualification time, an awarding body must have due regard to any relevant information which is reasonably available to the awarding body and record its determination, the rationale and the supporting evidence used both to initially assign and subsequently review the determination.

E7.4 An awarding body must:

- (a) keep under review the number of hours it has assigned to each qualification for each of Total Qualification Time and Guided Learning.
- (b) in particular, review the numbers of hours assigned following the issue by Qualifications Wales of any TQT Criteria, and
- (c) revise that number of hours if appropriate.

E7.5 Following any review by Qualifications Wales of the number assigned to a qualification in respect of Total Qualification Time or Guided Learning, an awarding body must revise that number in any manner required by Qualifications Wales.

Application

E7.6 Conditions E7.1 to E7.5 shall not apply to an awarding body until such date as is specified in, or determined under, any notice in writing issued by Qualifications Wales to the awarding body under this paragraph.

E7.7 Any such notice issued by Qualifications Wales may be:

- (a) subject to any conditions that Qualifications Wales specifies (which may include conditions placing requirements on an awarding body as to its conduct prior to the date specified in or determined under it).
- (b) issued to an individual awarding body or to any group of awarding bodies.
- (c) issued in respect of one or more qualifications or descriptions of qualifications.

- (d) varied by Qualifications Wales at any time prior to the date specified in or determined under it.

E7.8 Where Qualifications Wales makes such a notice subject to conditions, an awarding body to which the notice is issued must comply with any requirements that are imposed on it in accordance with those conditions.

Interpretation

E7.9 For the purposes of this Condition references to a 'qualification' are references to the qualification as a whole and not to individual units.

Condition E8 – Credit

E8.1 An awarding body may assign a value for credit to a qualification, or a Component of qualification, which it makes available or proposes to make available.

E8.2 Where an awarding body assigns a value for credit to a qualification, that value must be equal to one tenth of the Total Qualification Time assigned to that qualification, rounded to the nearest whole number.

E8.3 Where an awarding body makes any revision to the number of hours which it has assigned to a qualification in respect of any element of Total Qualification Time, it must:

- (a) review each value for credit which it has assigned to that qualification and any Component of that qualification, and
- (b) revise that value if appropriate

Condition E9 – Qualification and Component levels

E9.1 An awarding body must assign one or more levels to each qualification which it makes available or proposes to make available.

E9.2 Where an awarding body assigns a value for credit to a Component of a qualification which it makes available or proposes to make available, it must assign a level to that Component.

E9.3 An awarding body must adhere to any requirements, and have regard to any guidance, which may be published by Qualifications Wales and revised from time to time in assigning:

- (a) a level to a qualification,
- (b) more than one level to a qualification, and
- (c) a level to a Component of a qualification.

E9.4 An awarding body must:

- (a) keep under review each level which it has assigned to a qualification or a Component of a qualification.
- (b) In particular, review that level following any revision by Qualifications Wales of any requirements published under this Condition, and
- (c) Revise that level if appropriate

E9.5 Following any review by Qualifications Wales of a level assigned to a qualification or a Component of a qualification an awarding body must revise that level in any manner specified by Qualifications Wales.

Management of the revision of a level assigned to a qualification

E9.6 An awarding body must give to Qualifications Wales notice by 31 December of that year of its anticipated revision of a level assigned to a qualification, and must do so prior to the time at which it provides that information to any Users of the qualification.

E9.7 Where an awarding body intends to revise, or is obliged to revise, a level assigned to a qualification, it must either:

- (a) Withdraw that qualification, or
- (b) Follow the process outlined in conditions E9.8 and E9.9

and must give to Qualifications Wales reasonable notice of which of these two courses it intends to follow.

E9.8 Where an awarding body intends to revise, or is obliged to revise, a level assigned to a qualification, and does not intend to withdraw that qualification, it must:

- (a) take all reasonable steps to protect the interests of Learners in relation to that qualification,
- (b) promptly prepare, maintain, and comply with a written revision plan, which must specify how the interests of Learners in relation to that qualification will be protected, and
- (c) provide clear and accurate information about the revision to Users of the qualification who are likely to be affected by the revision.

E9.9 An awarding body must ensure that any revision plan which it prepares complies with any requirements which Qualifications Wales has communicated to it in writing.

Condition E10 Recognition of Prior Learning

E10.1 Where an awarding body has in place a policy for the recognition of prior learning it must:

- (a) ensure that the policy which it has in place enables the awarding body to award qualifications in accordance with its Conditions of Recognition,
- (b) publish that policy, and
- (c) comply with that policy.

E10.2 For the purposes of this Condition, 'recognition of prior learning' is the:

- (a) identification by an awarding body of any learning undertaken, and/or attainment, by a Learner:
 - (i) prior to that Learner taking a qualification which the awarding body makes available or proposes to make available, and
 - (ii) which is relevant to the knowledge, skills and understanding which will be assessed as part of that qualification, and
- (b) recognition by an awarding body of that learning and/or attainment through amendment to the requirements which a Learner must have satisfied before the Learner will be assessed or that qualification will be awarded.

Section F – Providing qualifications to purchasers

Condition F1 – Information on fees and features of qualifications

Making fee information available

F1.1 Where an awarding body produces a list of standard fees for the qualifications which it makes available and for any associated services, it must ensure that the list is accessible to potential purchasers, at least by means of:

- (a) making the list available on the internet, in particular by means of a hyperlink to it that is placed on the qualifications database, or
- (b) providing potential purchasers with a copy of the list.

F1.2 Where an awarding body does not produce such a list, it must, on request, provide to a potential purchaser:

- (a) information as to its fees for those qualifications and services, or
- (b) if it is not possible to determine those fees exactly, a statement of the method by which its fees are calculated or a reasonably detailed estimate of the price that he or she would have to pay.

F1.3 An awarding body must ensure that in each case it has in place pricing structures that would be clear to the reasonable purchaser.

F1.4 Where an awarding body provides or makes available any information as to its fees or the method by which they are calculated, it must at the same time provide or make available information as to the main features of the qualifications and associated services to which the fees relate, unless this is already clear from the context.

Making fee information available to satisfy the planning requirements of purchasers

F1.5 Where an awarding body provides or makes available any information as to its fees or the method by which they are calculated, it must take all reasonable steps to do so sufficiently far in advance of the time at which the qualifications to which those fees relate will be made available to learners as to satisfy the reasonable planning requirements of potential purchasers.

F1.6 Where such information cannot be provided or made available to this timescale, the awarding body must instead provide or make available to potential purchasers information that is sufficient to give a reasonable indication of its likely fees, together with a clear statement to make potential purchasers aware that this information is only indicative.

Condition F2 – Packaging qualifications with other products or services

Packages offered as an option

F2.1 Where an awarding body makes available a qualification both in a package with other products or services and separately from those other products or services, it must inform purchasers prior to the time of purchase that the qualification may be purchased separately or in a package.

Packages offered without alternative options

F2.2 An awarding body must not make available a qualification in a package together with other products or services unless it also makes available that qualification without other products or services, except where it:

- (a) from time to time seeks comments from purchasers on whether the packaging of the qualification with the particular products or services is appropriate, and
- (b) reasonably concludes that continuing to make available the package is appropriate.

Condition F3 – Invoicing

Invoicing purchasers

F3.1 An awarding body must:

- (a) ensure that its invoices in relation to the provision of qualifications are issued in a timely manner, and
- (b) provide a breakdown of its fees to a reasonable level of detail following a request from a purchaser.

The written invoicing policy

F3.2 An awarding body must establish, maintain, publish and comply with a written policy on invoicing.

F3.3 The policy must specify the processes to be followed by the awarding body in relation to the issue, payment and retention of invoices and the content of invoices.

Section G – Setting and delivering the assessment

Condition G1 – Setting the assessment

G1.1 In setting an assessment for a qualification which it makes available, an awarding body must ensure that the content of the assessment is

- (a) fit for purpose;
- (b) appropriate for the method of assessment chosen, and
- (c) consistent with the specification for that qualification.

G1.2 An awarding body must take all reasonable steps to ensure that the level of demand of an assessment for a qualification which it makes available is consistent:

- (a) across all options as to tasks which may be completed by a learner for the purposes of the assessment;
- (b) with the level of demand of any other assessment which may be completed by a learner, as an alternative to the assessment, for the purpose of the qualification, and
- (c) with the level of demand of previous assessments and of any specimen assessment materials which the awarding body has published in relation to the qualification.

G1.3 An awarding body must produce a written document in relation to an assessment which sets out clear and unambiguous criteria against which learners' levels of attainment will be differentiated.

Condition G2 – Language of the assessment

G2.1 An awarding body must ensure that all learners taking its qualifications are assessed in:

Welsh and/or English in Wales except to the extent that the use of another language is permitted by this condition.

G2.2 A learner taking a qualification may be assessed in British Sign Language where it is permitted by an awarding body for the purpose of reasonable adjustment.

G2.3 A learner taking a qualification may be assessed in any other language where it is one of the primary objectives of the qualification:

- (a) for the learner to gain knowledge of, skills in, and understanding of that language, or

- (b) to support a role in the workplace, providing that proficiency in English or Welsh is not required for the role supported by the qualification.

G2.4 Where an awarding body makes available a qualification in more than one language, the awarding body must take all reasonable steps to ensure that assessments in different languages ensure a consistent level of demand for learners.

Condition G3 – Use of language and stimulus materials

G3.1 An awarding body must ensure that assessments for qualifications which it makes available use only appropriate language and stimulus materials.

G3.2 Language and stimulus materials are only appropriate if they:

- (a) enable learners to demonstrate their level of attainment;
- (b) require knowledge, skills and understanding which are required for the qualification;
- (c) are clear and unambiguous (unless ambiguity forms part of the assessment), and
- (d) are not likely to cause unnecessary offence to learners.

G3.3 In considering whether language and stimulus materials for an assessment are appropriate, an awarding body must take into account in particular:

- (a) the age of learners who may reasonably be expected to take the qualification;
- (b) the level of the qualification;
- (c) the objective of the qualification, and
- (d) the knowledge, skills and understanding assessed for the qualification.

G3.4 An awarding body must take all reasonable steps to ensure that no assessment for a qualification which it makes available contains language or stimulus materials which could lead a group of learners who share a common attribute or circumstance to experience – because of that attribute or circumstance – an unreasonable disadvantage in the level of attainment that they are able to demonstrate in the assessment.

Condition G4 – Maintaining confidentiality of assessment materials, including the conduct of specified training events

G4.1 Where confidentiality in:

- (a) the contents of assessment materials, or

- (b) information about the assessment

is required in order to ensure that a qualification which an awarding body makes available, or proposes to make available, reflects an accurate measure of attainment, the awarding body must take all reasonable steps to ensure that such confidentiality is maintained.

G4.2 In particular, an awarding body must take all reasonable steps –

- (a) to ensure that such confidentiality is maintained where it (or any person connected or previously connected to it) provides training or training materials in relation to such a qualification, and
- (b) where persons hold information in relation to the content of assessment materials or other information about the assessment of a qualification and disclosure of such information to teachers would breach the confidentiality referred to in condition G4.1, ensure that sufficient controls are in place to ensure that no such disclosure or breach occurs.

G4.3 An awarding body must, in respect of any training it provides to teachers in relation to such a qualification (and, in relation to any such training provided by any person connected to it, must take all reasonable steps to –

- (a) ensure that training is reasonably available to all teachers preparing learners, or persons likely to become learners, for assessments for that qualification,
- (b) advertise to teachers the availability of the training, including in particular by publishing details of the training, and
- (c) publish the content of any training materials which have been provided to teachers in connection with the training, as soon as reasonably practicable after the training has been held.

G4.4 An awarding body must take all reasonable steps to ensure that no person connected to it, or previously connected to it, offers to disclose information about any assessment or the content of any assessment materials where that information is (or is said or implied to be) confidential.

G4.5 Where any breach of such confidentiality (including through the loss or theft of confidential assessment materials) is either suspected by an awarding body or alleged by any other person and where there are reasonable grounds for that suspicion or allegation, the awarding body must:

- (a) investigate that breach,
- (b) ensure that such an investigation is carried out rigorously, effectively, and by persons of appropriate competence who have no personal interest in its outcome, and

- (c) so far as possible, establish whether or not a breach of such confidentiality has occurred.

Condition G5 – Registration of learners

G5.1 An awarding body must take all reasonable steps to ensure that:

- (a) each learner taking a qualification which the awarding body makes available is registered in a way that permits the learner to be clearly and uniquely identified, and
- (b) where the identity of a learner has not previously been confirmed to the awarding body, or the centre at which the assessment will take place, arrangements are in place to confirm the learner's identity.

Condition G6 – Arrangements for reasonable adjustments

G6.1 For the purposes of this condition, reasonable adjustments are adjustments made to an assessment for a qualification so as to enable a disabled learner to demonstrate his or her knowledge, skills and understanding to the levels of attainment required by the specification for that qualification.

G6.2 An awarding body must, in accordance with equalities law, have in place clear arrangements for making reasonable adjustments in relation to qualifications which it makes available.

G6.3 An awarding body must publish details of its arrangements for making reasonable adjustments, which must include details as to:

- (a) how a learner qualifies for a reasonable adjustment;
- (b) what reasonable adjustment will be made.

Condition G7 – Arrangements for special consideration

G7.1 For the purposes of this condition, special consideration is consideration to be given to a learner who has temporarily experienced:

- (a) an illness or injury, or
- (b) some other event outside of the learner's control,

which has had, or is reasonably likely to have had, a material effect on that learner's ability to take an assessment or demonstrate his or her level of attainment in an assessment.

G7.2 An awarding body must have in place clear arrangements for special consideration to be given to learners in relation to qualifications which it makes available.

G7.3 An awarding body must publish details of its arrangements for giving special consideration, which must include details as to:

- (a) how a learner qualifies for special consideration;
- (b) what special consideration will be given.

Condition G8 – Completion of the assessment under the required conditions

G8.1 An awarding body must take all reasonable steps to ensure that, in relation to qualifications which it makes available:

- (a) evidence generated by a learner in an assessment is generated by that learner (or includes evidence generated by that learner as a contribution to group work), and
- (b) where an assessment is required to be completed under specified conditions, learners complete the assessment under those conditions (other than where any reasonable adjustments or special consideration require alternative conditions).

Condition G9 - Delivering the Assessment

G 9.1 An awarding body must ensure that every assessment for a qualification that it makes available is delivered effectively and efficiently.

G9.2 An awarding body must ensure that, on delivery of every assessment for a qualification that it makes available, the assessment:

- (a) is fit for purpose;
- (b) permits Reasonable Adjustments to be made, while minimising the need for them;
- (c) allows each learner to generate evidence which can be authenticated;
- (d) allows each specified level of attainment detailed in the specification to be reached by a learner who has attained the required level of knowledge, skills and understanding;
- (e) allows assessors to be able to differentiate accurately and consistently between a range of attainments by learners.

G9.3 An awarding body must ensure that, on delivery of every assessment for a qualification that it makes available, the content of the assessment:

- (a) is fit for purpose;
- (b) is appropriate for the method of assessment chosen;
- (c) is consistent with the specification for that qualification.

Section H – From marking to issuing results

Condition H1 – Marking the assessment

Marking

H1.1 For each qualification which it makes available, an awarding body must have in place effective arrangements to ensure that, as far as possible, the criteria against which learners' performance will be differentiated are –

- (a) understood by assessors and accurately applied, and
- (b) applied consistently by assessors, regardless of the identity of the assessor, learner or centre.

Marking options

H1.2 Where:

- (a) an awarding body offers an option as to tasks which may be completed by a learner in an assessment or as to assessments which may be completed by the learner (including units);
- (b) the awarding body reasonably concludes that there is a material inconsistency between the level of demand of two optional tasks or assessments; and
- (c) it is likely that the inconsistency will prejudice a group of learners

the awarding body must make a reasonable alteration to the criteria against which learners' performance will be differentiated for the optional task or assessment so as to prevent that prejudice from occurring.

H1.3 Where such a reasonable alteration is made for an optional task or assessment, an awarding body must ensure that the alteration is applied uniformly in the marking of every task or assessment in relation to which a learner has taken that option.

Condition H2 – Moderation where an assessment is marked by a centre

H2.1 Where evidence generated by a learner in an assessment for a qualification made available by an awarding body is marked by a centre, the awarding body must have in place clear and effective arrangements to undertake moderation of the assessment.

H2.2 An awarding body must ensure that any such moderation which it undertakes allows it effectively to determine whether or not:

- (a) the assessment remains fit for purpose, and
- (b) the criteria against which learners' performance is differentiated are being applied accurately and consistently by assessors in different centres, regardless of the identity of the assessor, learner, or centre.

H2.3 An awarding body must:

- (a) ensure that any such moderation which it undertakes ensures that it is able to make any necessary changes to a centre's marking of evidence generated by a learner in an assessment, and
- (b) make such a change wherever it considers it necessary in order to ensure that the assessment remains fit for purpose or that the criteria against which learners' performance is differentiated are being applied accurately and consistently.

Condition H3 – Monitoring the specified levels of attainment for a qualification

H3.1 Before setting a specified level of attainment for a qualification which it makes available, an awarding body must review the specified levels of attainment set for:

- (a) the qualification previously;
- (b) similar qualifications it makes available,
- (c) similar qualifications made available elsewhere

and must use the results of this monitoring to identify when, and notify to Qualifications Wales that, the specified level of attainment it sets for the qualification will not promote consistency in measuring the levels of attainment of learners over time and between similar qualifications.

Condition H4 – Adjudication by Qualifications Wales of specified levels of attainment for a qualification

H4.1 Where:

- (a) an awarding body makes available a qualification;
- (b) at least one other body makes available a qualification which is viewed by the generality of users of qualifications as being a direct equivalent to that qualification;
- (c) each body sets the specified level or levels of attainment for the equivalent qualification that they respectively make available;
- (d) Qualifications Wales considers that a specified level of attainment set by an awarding body prevents the equivalent qualifications from

indicating an appropriate or consistent level of attainment (including, where Qualifications Wales considers appropriate, over time), and

- (e) Qualifications Wales specifies to an awarding body, in writing, requirements in relation to a specified level of attainment for the qualification which it makes available (either for a particular assessment cycle or during a particular time period)

any awarding body to which Qualifications Wales has specified such requirements must ensure that, before the qualification is awarded for that assessment cycle or during that time period, the specified level of attainment for the qualification complies with those requirements.

Condition H5 – Results for a qualification must be based on sufficient evidence

H5.1 An awarding body must ensure that the result of each assessment taken by a learner in relation to a qualification which the awarding body makes available reflects the level of attainment demonstrated by that learner in the assessment.

H5.2 An awarding body must ensure that:

- (a) the marking of an assessment in relation to, and
- (b) the awarding of

a qualification which it makes available takes into account all admissible evidence generated by a learner as part of that assessment.

H5.3 Where an awarding body sets a rule as to the quantity or type of evidence generated by learners which will be admissible in an assessment, it must ensure that:

- (a) the assessment makes the rule clear, and
- (b) the rule is applied to all learners taking the assessment (other than where any reasonable adjustments or special consideration require it to be altered).

H5.4 Where an awarding body sets a rule as to how the final mark for a qualification will be calculated from marks for different assessments, it must ensure that:

- (a) the qualification makes the rule clear, and
- (b) the rule is applied to all learners taking the qualification (other than where any reasonable adjustments or special consideration require it to be altered).

Condition H6 – Issuing results

H6.1 An awarding body must, in relation to any qualification which it makes available:

- (a) issue results for all units and qualifications;
- (b) publish expected dates or timescales for the issue of those results;
- (c) issue results which are clear and readily capable of being understood by users of qualifications;
- (d) issue results which accurately and completely reflect the marking of assessments (including the outcome of any moderation and other quality assurance process);
- (e) ensure that the issue of results is timely, and
- (f) take all reasonable steps to meet any date or timescale it has published for the issue of results.

Section I – Appeals and certificates

Condition I1 – Appeals process

- I1.1 An awarding body must establish, maintain and comply with an appeals process in relation to all qualifications which it makes available, which must provide for the appeal of:
- (a) the results of assessments;
 - (b) decisions regarding reasonable adjustments and special consideration, and
 - (c) decisions relating to any action to be taken against a learner or a centre following an investigation into malpractice or maladministration.
- I1.2 For these purposes, the appeals process must provide for:
- (a) the effective appeal of results on the basis that the awarding body did not apply procedures consistently or that procedures were not followed properly and fairly;
 - (b) all appeal decisions to be taken by individuals who have no personal interest in the decision being appealed;
 - (c) all appeal decisions to involve at least one decision maker who is not an employee of the awarding body, an assessor working for it, or otherwise connected to it;
 - (d) appeal decisions to be only taken by persons who have appropriate competence, and
 - (e) timelines for the outcome of appeals.
- I1.3 An awarding body must publish information on its appeals process to enable the results of assessments to be appealed.
- I1.4 Where the application of an appeals process in the case of a learner leads an awarding body to discover a failure in its assessment process, it must take all reasonable steps to:
- (a) identify any other learner who has been affected by the failure;
 - (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
 - (c) ensure that the failure does not recur in the future.

Condition I2 – Compliance with Qualifications Wales’ appeals and complaints process

- I2.1 An awarding body must comply with the requirements of any appeals and complaints process established by Qualifications Wales in the form in which it may be published by Qualifications Wales and revised from time to time.
- I2.2 An awarding body must give due regard to the outcome of any such appeals or complaints process in relation to a qualification which it makes available.
- I2.3 Where the application of any such appeals or complaints process in the case of a learner leads an awarding body to discover a failure in its assessment process, it must take all reasonable steps to:
- (a) identify any other learner who has been affected by that failure;
 - (b) correct or, where it cannot be corrected, mitigate as far as possible the effect of the failure, and
 - (c) ensure that the failure does not recur in the future.
- I2.4 Where Qualifications Wales notifies an awarding body of failures that have been discovered in the assessment process of another awarding body, the awarding body must review whether or not a similar failure could affect its own assessment process.
- I2.5 Where, following a review, the awarding body identifies such a potential failure, it must take the same action as if a failure has been discovered in relation to it by virtue of the application of Qualifications Wales’ appeals and complaints process.

Condition I3 – The design and content of certificates

The design of certificates

- I3.1 An awarding body must ensure that the design of each certificate in relation to a qualification which it makes available complies with the certificate requirements which may be published by Qualifications Wales and revised from time to time.
- I3.1.1 An awarding body must ensure that the design and production of each certificate it issues in relation to a regulated qualification or credit award which it makes available includes the Qualifications Wales logo clearly and distinctly expressed on the front of the certificate.

The content of certificates

13.2 An awarding body must ensure that:

- (a) all certificates which it issues clearly and uniquely identify both the learner and the certificate itself;
- (b) all certificates which it issues clearly display the title of the qualification as it appears on the qualifications database (and any endorsement known after the qualification is submitted to the qualifications database) and do not include any other title for the qualification.

13.3 Where an awarding body issues any replacement certificate, it must ensure that the certificate is clearly identifiable as being a replacement.

13.4 Where an awarding body issues a certificate in relation to a qualification and:

- (a) the assessment of the qualification was in a language other than Welsh and/or English, and
- (b) the objective of the qualification was not for the learner to gain skills in, or knowledge or understanding of that language

the awarding body must ensure that the language of the assessment is clearly identifiable on the certificate.

Condition 14 – Issuing certificates and replacement certificates

14.1 An awarding body must, in relation to qualifications which it makes available:

- (a) publish the expected dates or timescales for the issue of certificates;
- (b) ensure that the issue of certificates is timely;
- (c) issue only certificates which are clear and readily capable of being understood by users of qualifications;
- (d) issue only certificates which are accurate and complete and which reflect accurate and complete results;
- (e) maintain a record of all certificates and replacement certificates which it issues, and
- (f) not include a qualification which is not a regulated qualification on a certificate which contains regulated qualifications.

14.2 An awarding body must take all reasonable steps, including having procedures in place, to ensure that it:

- (a) issues a certificate and any replacement certificate to any learner who has a valid entitlement to that certificate or replacement certificate;
- (b) does not issue any certificate to a learner who does not have a valid entitlement to that certificate;
- (c) revokes any certificate if the result on the certificate is false because of malpractice, maladministration, or is revealed to be inaccurate as a consequence of an appeals process, and
- (d) meets any date or timescale published by it in respect of the issue of certificates and replacement certificates.

Section J – Interpretation and definitions

Condition J1 – Interpretation and definitions

Interpretation

- J1.1 In these conditions, the following rules of interpretation shall apply.
- J1.2 Unless the context suggests otherwise, in these conditions:
- (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 'including' and '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 unincorporate;
 - (f) 'awarding body' refers to an awarding body which is recognised in accordance with Part 3 of the Qualifications Wales Act 2015;
 - (g) 'relevant qualification' refers to any qualification for which the relevant awarding body is recognised or which falls within a description of qualifications for which it is recognised;
 - (h) references to providing something 'in writing' are to include providing it by hand, post, fax, electronic mail or through a submission to the qualifications database;
 - (i) a 'qualification' means a regulated qualification (and includes any units of that qualification);
 - (j) 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.
- J1.3 If there is an inconsistency between a provision in these conditions, and a provision contained in any document which is referenced in these conditions, these conditions shall prevail and the other document shall have no force and effect to the extent of that inconsistency.

- J1.4 Titles and headings in these conditions are for information only and are not to be used for the purposes of interpretation.
- J1.5 A person is connected to an awarding body if that person undertakes or is involved in any activity undertaken by the awarding body.
- J1.6 Completion of a qualification by a learner shall include the completion of any appeals process.
- J1.7 Where an awarding body is required to publish a document or information, that document or information must be published in a way which is:
- (a) clear to its intended audience;
 - (b) accurate, and
 - (c) reasonably accessible (including by way of publication, if available, on the awarding body's website).

Definitions

J1.8 In these conditions, 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
Adverse effect	<p>An act, omission, event, incident, or circumstance has an adverse effect if it:</p> <ul style="list-style-type: none"> (a) gives rise to prejudice to learners or potential learners, <p>or</p> <ul style="list-style-type: none"> (b) adversely affects: <ul style="list-style-type: none"> (i) the ability of the awarding body to undertake the development, delivery or award of qualifications in accordance with its Conditions of Recognition (ii) the standards of qualifications which the awarding body makes available or proposes to make available, or (iii) public confidence in qualifications.
Approval	Approval as defined under Part 4 of the Qualifications Wales Act 2015.

Approval criteria	Approval criteria as defined under section 20 of the Qualifications Wales Act 2015.
Approved Qualifications	Regulated qualifications eligible for use on publicly funded programmes of learning that are Approved under Part 4 of the Qualifications Wales Act 2015, awarded in Wales and that have met approval criteria. Approved qualifications will have been allocated an identified approval number.
Assessor	A person who undertakes marking or the review of marking. This involves using a particular set of criteria to make judgements as to the level of attainment a learner has demonstrated in an assessment.
Authentication	A process under which evidence generated by a learner in an assessment is confirmed as having been generated by that learner (or identified and confirmed as being that learner's contribution to group work) and as being generated under the required conditions.
Centre	A body 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.
Certificate requirements	One or more documents of that title or with a title containing those words.
Characteristic	Age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation
Comparability	<p>Generating 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:</p> <p>(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.</p> <p>(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</p>

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 validity.

Competition law	The Competition Act 1998, or any legislation in a jurisdiction other than Wales which has an equivalent purpose and effect.
Component	A discrete part of a qualification which: (a) focuses on specific areas of the knowledge, skills and understanding assessed for the qualification, and (b) has a specific set of criteria against which Learners' performance will be differentiated.
Conditions of Approval	All conditions of approval to which an Approved qualification is subject to as imposed under section 22 of the Qualifications Wales Act 2015.
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).
Data protection law	The Data Protection Act 1998, or any legislation in a jurisdiction other than Wales which has an equivalent purpose and effect.
Designation	Designation as defined under Part 5 of the Qualifications Wales Act 2015.
Designated Qualifications	Regulated qualifications that are Designated as eligible for use on publicly funded programmes of learning for learners under the age of 19, as defined under section 29 of the Qualifications Wales Act 2015.
Endorsement	A reference in the title of a qualification acknowledging that the learner is focusing or has focused on one or more particular areas of knowledge, skills and understanding which form part of the qualification (as encompassed in the qualification title). (For instance, in GCSE Art and Design – Textile Design, Textile Design is an Endorsement of GCSE Art and Design.)
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 an awarding body is a limited company, a group made up of any company which is a holding company of the awarding body, a subsidiary of the awarding body or a subsidiary of a holding company of the awarding body. Where an awarding body is not a limited company, a person or group of people having the equivalent status.
Guided Learning	The activity of a Learner in being taught or instructed by- or otherwise participating in education or training under the Immediate Guidance or Supervision of- a lecturer, supervisor, tutor or other appropriate provider of education or training. For these purposes the activity of 'participating in education or training' shall be treated as including the activity of being assessed if the assessment takes place under the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training.
Immediate Guidance or Supervision	<p>The guidance or supervision provided to a Learner by a lecturer, supervisor, tutor or other appropriate provider of education or training:</p> <p>(a) with the simultaneous physical presence of the Learner and that person or</p> <p>(b) remotely by means of simultaneous electronic communication.</p> <p>For these purposes, the activity of Invigilation is to be regarded as a form of guidance or supervision.</p>
Invigilation	The supervision by an appropriate person of Learners who participating in the activity of being assessed for a qualification, where such supervision involves neither any reaching nor the giving of any guidance or direction beyond that which is necessary to convey instructions for the carrying out of the assessment or otherwise for the effective management of the assessment activity.
Level of demand	The degree of challenge that an assessment presents for the learner.
Logo requirements	One or more documents that specify to an awarding body the use of Qualifications Wales' logo(s).
Manageability	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 (validity, reliability, comparability and minimising bias), judgements about manageability must be balanced with considerations around the other requirements.

Minimising 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.
Moderation	The process through which the marking of assessments by centres is monitored to make sure it meets required standards and through which adjustments to results are made, where required, to ensure that results are based on the required standard. This includes verification.
Qualification Number	The number assigned by Qualifications Wales to the qualification.
Qualifications Database	The information technology system Qualifications in Wales (QiW), provided for awarding bodies by Qualifications Wales, as it may be varied and replaced from time to time.
Qualifications Wales logo	Any logo, design or style in which Qualifications Wales holds intellectual property rights.
Reasonable adjustment	An adjustment of the type that is defined in Condition G6.
Regulatory document	A regulatory document, or part of a regulatory document, which features in a document entitled the 'Regulatory Document List', which may be published by the Qualifications Wales and may be varied and replaced by the Qualifications Wales from time to time.
Regulated Qualifications	All non-degree qualifications (whether Approved , Designated or other regulated) that are offered for award by an awarding body recognised by Qualifications Wales (unless either an awarding body has surrendered its recognition in respect of that qualification, or if an awarding body excluded that qualification from the scope of its recognition by notifying Welsh Government prior to 21 September 2015).
Reliability	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. Reliability is a necessary condition of validity, 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.

Rule of Combination	A rule specifying the combination of units which may be taken to form a particular qualification, any units which must be taken and any related requirements.
Senior officer	A director or senior executive officer of the awarding body or, where the awarding body is not a limited company, a person holding a position of equivalent status within the organisational structure of the awarding body.
Special consideration	Special consideration of a type that is defined in Condition G7.
Stimulus materials	Materials provided to the learner before or at the time of the assessment which facilitate the learner's demonstration of his or her knowledge, skills and understanding. Tasks in an assessment may relate directly to the materials and a learner may make direct reference to the materials in completing the assessment. Such materials may include, for example, charts, diagrams, pictures, quotations, or machinery.
Teacher	<p>A person who prepares any learner or any person likely to become a learner, for assessment for a qualification and who does so;</p> <p>(a) as a lecturer, supervisor, tutor or other appropriate provider of education or training, or</p> <p>(b) in circumstances in which that preparation takes place primarily at home.</p>
Total Qualification Time (TQT)	<p>The number of notional hours which represents an estimate of the total amount of time that could reasonably be expected to be required in order for a Learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification. Total Qualification Time is comprised of the following two elements:</p> <p>(a) the number of hours which an awarding body has assigned to a qualification for Guided Learning, and</p> <p>(b) an estimate of the number of hours a Learner will reasonably be likely to spend in preparation, study or any other form of participation in education or training,</p>

including assessment, which takes place as directed by- but not under the Immediate Guidance or Supervision of- a lecturer, supervisor, tutor or other appropriate provider of education or training.

Total Qualification Time Criteria (or 'TQT Criteria')

The TQT criteria are any criteria that are set and published by Qualifications Wales for the purpose of determining the number of hours of Total Qualification Time that should be assigned to a qualification by an awarding body. The TQT Criteria may be set out in more than one document.

Users of qualifications

Persons who have a legitimate interest in the qualification or type of qualification made available by the awarding body, which may include:

- (a) learners and learners' representatives;
- (b) centres;
- (c) employers and employers' representatives;
- (d) further and higher education establishments;
- (e) schools;
- (f) government departments and agencies;
- (g) professional bodies.

Validity

The extent to which the assessment tests the things it is supposed to assess. The use(s) of the outcome(s) of an assessment is/are valid if supported by evidence and theory. The evaluation of validity involves the development of a clear argument to support the proposed interpretation of the outcomes and 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.

Workforce

Persons available for work (including employees, workers and contractors).