

Statement of Compliance 2023

Contents

1. Statement of Compliance 2023 overview	1
2. Supporting information	2
3. Instructions	2
4. Submitting your response	4
5. Your privacy	5
6. Your Statement of Compliance	8
7. Which regulators are you accountable to?	8
8. Part 1 – Declaration of current and future compliance	8
9. Part 2 – Key lines of enquiry (KLOE)	11
10. Declaration of governing body sign off	20
11. Submit the Statement of Compliance	21

Statement of Compliance 2023 overview

Welcome to Ofqual, Qualifications Wales and CCEA Regulation's Statement of Compliance (SoC) 2023.

The General Conditions of Recognition ([Ofqual](#) and [CCEA Regulation](#)) and the Standard Conditions of Recognition ([Qualifications Wales](#)) require you, as Responsible Officer, and the Chair of your Governing Body, to jointly submit an annual statement specifying whether or not your organisation is fully compliant with your Conditions of Recognition.

There are some changes to this year's SoC in terms of content and scope which are detailed in the next section. Your submission will be shared with the regulators that you are accountable to.

The 2023 SoC window will be open from **Monday 16 October 2023 to Friday 19 January 2024**.

Supporting information

1. There is one SoC this year across all three regulators. You will not receive a separate request from Qualifications Wales or CCEA Regulation.
2. You are asked to complete the SoC online via the Ofqual Portal, your answers will be shared with the relevant regulators.
3. You will need to consider and declare your current and future compliance against your Conditions of Recognition (including, the General/Standard Conditions of Recognition, plus any relevant qualification-level and subject-level Conditions) as required by [Condition B2](#).

The survey is divided into two parts:

Part 1 – declaration of current and future compliance

Part 2 – key lines of enquiry

Instructions

Responsible Officer and the SoC

The Responsible Officer is responsible for signing off the accuracy of your SoC. If someone else gathers and inputs the information onto the Portal on your behalf, then you, as Responsible Officer, will need to be assured that the information is accurate and complete.

How long will the SoC take to complete?

It is not possible to say how long it will take you to complete the SoC as this depends on your compliance activity.

The SoC is divided into sections. All questions must be answered (where indicated by *). Please make sure that your SoC is finalised and submitted by 23:45 on Friday 19 January 2024.

Governing Body scrutiny and Chair's sign-off

We will not require your Chair to log onto the Portal system to approve your SoC. However, this does not mean that this relinquishes your Chair from their duties.

You are still expected to comply with the requirements of Condition B2. Therefore, before submitting your SoC, you, as Responsible Officer, your Governing Body and its Chair will need to agree to the declarations you are making.

You must declare (see section on 'declarations of compliance') that your Statement is accurate and has been approved by you, as Responsible Officer, and the Chair of your Governing Body. You should be prepared to provide evidence that your SoC has been signed off by the Chair, and of the scrutiny of your Governing Body, if asked. You will be asked to commit to providing this when submitting the survey.

Once submitted, you have the option of sharing a copy of the completed SoC with the Chair of your Governing Body.

Declaration of compliance

Wherever you see 'declaration' within this survey, please be aware of the following:

- When you sign off your SoC, we expect you to be able to satisfy yourselves, and the regulators, as to your compliance with any Condition. We do not prescribe the way in which you satisfy yourselves of your compliance, but we know many awarding organisations undertake an internal review of compliance prior to submission.

Submitting your response

We will only accept your submission via the Portal. The Word document which we have issued as part of this guide is purely to aid your preparations.

The text boxes on the portal will allow you up to 10,000 characters (including spaces), the exception to this are 1e and 2e which allow 5,000 characters each. Please do not feel you need use all the space provided in these boxes, they are designed for all circumstances, but we really would prefer clear, concise and accurate information.

You can complete the survey in one sitting or choose to save and return to it at a later date.

The SoC closing date is Friday 19 January 2024.

If you have any concerns about meeting the deadline, you should write to us as a matter of urgency via the Portal to explain why this is the case. Please respond via the message chain accompanying this communication. If your query is for Qualifications Wales, please email statementofcompliance@qualifications.wales and for CCEA Regulation please email ccearegulation@ccea.org.uk.

Your privacy

The identity of the data controller and contact details of our Data Protection Officer

This Privacy Notice is provided by The Office of Qualifications and Examinations Regulation (Ofqual), Qualifications Wales (QW), and the Council for the Curriculum, Examinations and Assessment (CCEA Regulation).

We are 'joint controllers' for the purposes of the General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 ('Data Protection Laws') where the purpose and means for processing personal data is jointly determined by us. In this case, where an AO is regulated by Ofqual, QW and CCEA, the SoC will be collected jointly for all three organisations and as such we are joint controllers.

Please note that this does not apply to AOs who are only regulated by QW and/or CCEA. In that case, Ofqual will collect the SoC on behalf of the respective regulator and acts as a processor only.

This year, Ofqual will also collect a SoC from a few new AOs that are regulated by all three regulators but are only required to submit a SoC to QW. As Ofqual and CCEA do not require these AOs to submit a SoC, this information is collected by Ofqual on behalf of QW only and again, we act as a data processor in respect of that processing. This will relate to new AOs only.

We ask that you read this Privacy Notice carefully as it contains important information about our processing of Statements of Compliance (SoC) and your rights.

Purpose

In accordance with the General Conditions of Recognition (Ofqual and CCEA Regulation), and Standard Conditions of Recognition (Qualifications Wales) awarding organisations must provide to Ofqual, CCEA Regulation and Qualifications Wales an annual Statement of Compliance.

A Statement of Compliance includes personal data, for example you are required to provide us with the name of the Responsible Officer and Chair, and may include additional personal data within the Statement of Compliance. Ofqual will arrange for the collection of the Statement of Compliance and share responses with the respective regulators in accordance with the joint controller arrangement.

Ofqual, QW and CCEA Regulation will use your response to inform our respective regulatory activities concerning an awarding organisation's compliance with our respective regulations.

Our legal basis for processing your personal data

Our processing of personal data is necessary for the performance of a task carried out in the public interest and in exercise of official authority.

With whom will my personal data be shared?

Ofqual will share your response with Qualifications Wales and CCEA Regulation securely where you are also recognised/accountable to them. This will include the AO name, the name of the Responsible Officer and Chair, the name of any other representative completing the SoC, and will include any other personal data contained within the statement of compliance. The relevant questions will be regarding your compliance/any non compliance both currently and over the next 12 months. You will also be asked questions about organisational stability and third party arrangements.

A Joint Controller arrangement has been established with Qualifications Wales and CCEA Regulation distributing the responsibilities among the controllers.

Please note that we are using an Ofqual hosted platform, the 'Portal' to gather this information.

For further details of the Privacy Notices of each regulator, see [Ofqual](#), [Qualifications Wales](#) and [CCEA Regulation](#)'s notices.

How long will we keep your personal data?

Ofqual and Qualifications Wales will keep the Statement of Compliance for 10 years, and CCEA Regulation will keep the statement of compliance for the time that the Awarding Organisation remains recognised. Your personal data will be retained with the Statement of Compliance as it may be important to know who submitted and signed off the Statement of Compliance in the future, should there be any future issues with an AO's compliance.

How we keep your data secure

We implement appropriate technical and organisational measures in order to protect your personal data against accidental or unlawful destruction, accidental loss or alteration, unauthorised disclosure or access and any other unlawful forms of processing. Personal data is not transferred outside the European Economic Area without appropriate safeguards.

Your rights, e.g. access, rectification, erasure

You have the right to:

- Tell us you don't want us to use the personal data you have given to us
- Ask to see the information we hold
- Ask us to change information you think is wrong
- Ask us to remove information when it's not needed anymore
- Be told how we use your information

Please note that some of these rights are qualified and may not apply.

The controllers are not carrying out any automated decision making.

If you have questions about your rights, you can speak to our Data Protection Officer, who will be able to help you and answer any questions that you have.

If you have any questions in relation to how we process your personal data as explained in this Privacy Notice or need extra help, would like this notice in another format (for example: audio, large print, braille) please contact the relevant Data Protection Officer using the contact details below:

Data Protection Officer Contact Details:

Ofqual,
Earlsdon Park, 53-55 Butts Road, Coventry, CV1 3BH
Telephone number: 0300 303 3344
Email: dp.requests@ofqual.gov.uk

Qualifications Wales,
Q2 Building, Pencarn Lane, Imperial Park, Coedkernew, Newport, NP10 8AR
Telephone number: 01633 373222
Email: dpo@qualifications.wales

CCEA Regulation,
29 Clarendon Road, Clarendon Dock, Belfast, BT1 3BG
dataprotectionofficer@ccea.org.uk

If you want to speak to somebody not at one of the 3 regulators or issue a complaint, you can call the people who look after information, called the Information Commissioner's Office ("ICO"), on 0303 123 1113 or visit their website www.ico.org.uk

Your Statement of Compliance

Below are the questions you will be asked in this year's Statement of Compliance. This Word document version of the questions is provided purely to aid your preparations. Please remember that we will only accept your submission via the Portal SoC record.

Which regulators are you accountable to?

All responses will be shared across the three regulators if you are regulated by them. We will not share your response if you are not regulated by them. Please confirm which regulators you are regulated by: *

Ofqual

CCEA Regulation

Qualifications Wales

Part 1 - Declaration of current and future compliance

Current compliance*

1. Complete the following declaration in relation to your organisation's current compliance.

We are currently compliant with all Conditions of Recognition (except where alternative Ofqual/CCEA Regulation/Qualifications Wales regulatory frameworks are in place).

We are not currently compliant with all Conditions of Recognition (except where alternative Ofqual/CCEA Regulation/Qualifications Wales regulatory frameworks are in place).

The following details will need to be completed separately for each instance of non-compliance.

- a. Please describe the instance of non-compliance.

- b. Please select the Condition(s) which you are not compliant with.
(List of Conditions here)

- c. Please select the Qualification Condition(s) which you are not compliant with.
(List of Conditions here)

- d. Please select the Subject Condition(s) which you are not compliant with.
(List of Conditions here)

- e. Please list any Qualification Wales or CCEA Regulation specific Condition(s) which you are not compliant with.

- f. Please describe how you plan to address this non-compliance.

- g. Please select the date by which you will become compliant.
(Calendar here)

Future compliance*

2. Complete the following declaration in relation to your organisation's future compliance.

We believe that we are likely to be compliant in the next 12 months with all Conditions of Recognition (except where alternative Ofqual/CCEA Regulation/Qualifications Wales regulatory frameworks are in place).

We believe that we are likely to fail to fully comply with all Conditions of Recognition in the next 12 months (except where alternative Ofqual/CCEA Regulation/Qualifications Wales regulatory frameworks are in place).

The following details will need to be completed separately for each instance of potential non-compliance.

- a. Please describe the instance of potential non-compliance.

- b. Please select the Condition(s) which you are likely to not be compliant with.
(List of Conditions here)

- c. Please select the Qualification Condition(s) which you are not compliant with.
(List of Conditions here)

- d. Please select the Subject Condition(s) which you are not compliant with.
(List of Conditions here)

- e. Please list any Qualification Wales or CCEA Regulation specific Condition(s) which you are not compliant with.

- f. Please explain how you know you are likely to fail to comply.

- g. Please describe how you plan to address this potential non-compliance.

Part 2 - Key lines of enquiry (KLOE)

Asking for specific information via key lines of enquiry enables us to better understand areas of your delivery in more detail.

KLOE 1 - Organisational stability

3. Current Performance

As mentioned in our SoC letter dated 29 August 2023, we will request your 2023 full accounts to be submitted by the deadline on 19 January 2024. For question 3a, please ensure you have uploaded your accounts in the message chain when you submit your return. The accounts **do not** have to be audited at the time of submission.

If your financial year-end falls in October, November, and December 2023, we acknowledge that you may not be able to provide the accounts by the deadline so please submit them as soon as they become available and within 3 months of the year-end date.

If you are unable to provide your accounts by the 3-month deadline, select 'No, there are exceptional circumstances and we have agreed a timeline to upload with our regulators' and in the free-text box please provide an explanation.

- a) Have you uploaded to the message chain your full accounts for 2023 that include a profit & loss statement, full balance sheet and notes?
- Yes
 - No, but they will be uploaded within 3 months of our year end
 - No, there are exceptional circumstances and we have agreed a timeline to upload with our regulators.

- b) Please provide a summary of your financial performance for 2023 and explain any material changes in your accounts compared to the previous year.

4. Future Performance

- a) Please provide your 2024 forecast for the following metrics:
- i. Total Income / Revenue

£

ii. Total Expenditure

£

iii. Net Surplus / Profit

£

iv. Cash at bank and in hand

£

b) Please explain the assumptions used to generate the forecasts and any material changes versus the previous year.

5. Financial Resilience

Condition A5.4 states an awarding organisation must ensure that it will have available sufficient financial resources and facilities to enable it to develop, deliver and award qualifications in a way that complies 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. This means that an AO should ensure it always has the appropriate level of financial resources to protect students / apprentices. We want to understand how you determine the 'sufficient' level of financial resources.

a) Cash reserves

i. Do you have a cash reserves policy?

Yes

No

ii. If yes, please give a short summary of the policy which includes your target level of cash reserves (if it is easier, you can attach the policy to the message chain). If no, please explain how you ensure that you maintain appropriate levels of cash reserves if you don't have a policy.

iii. Do you currently meet your reserves policy?

Yes

No

iv. If not, what actions are you taking to rebuild your reserves?

b) Please provide the following metric:

Annual fixed operating costs:

£

c) Please provide details of anything that would override the cash reserves policy or cause you to deplete reserves (e.g., development costs, dividend payments, obligations, commitments to support other entities, etc.)?

d) Funding

i. Do you have access to other sources of funding in case of cashflow issues (e.g., unused agreed overdraft, credit line, liquid assets, commitment from shareholders/directors/related companies)

Yes

No

ii. Please provide details of your other sources of funding.

6. Key Financial Risks and Opportunities

a) Customer risk (also known as counterparty risk) has been identified as an emerging risk that could materially impact your financial performance. This group of risks includes:

- Customers paying late;
- Customers not being able to pay;
- Customers leaving the market (and thereby reducing future business).

Customers could include schools, colleges, independent training providers, employers, charities, or individual learners / teachers. We therefore want to understand how you identify, prevent and manage this risk as required by Condition A6.

i. As a result of the ongoing economic pressures, what customer risks have you identified?

- ii. What have you put in place to manage these customer risks in line with A6?

- b) Aside from customer risk, what are the main financial risks and opportunities facing your organisation over the next 12 months? For each risk highlighted, please explain how you comply with A6. These risks could be short-term, or long-term, and they might relate to the wider economy, political risk, the qualifications market or be specific to your organisation.

KLOE 2 - Preventing and managing malpractice and maladministration

- Linked to [Condition A8 - Malpractice and maladministration](#)

These questions are about your capacity and aspects of your internal controls to prevent, investigate and manage all instances of malpractice and maladministration, specifically linked with Condition A8: Malpractice and maladministration.

Where we refer to a 'Centre', we mean an organisation undertaking the delivery of assessment (and potentially other activities) to Learners on behalf of an awarding organisation. Centres are typically educational institutions, training providers, or employers.

Capacity and capability to prevent and manage malpractice and maladministration

7. Please describe the internal governance arrangements you have to assess the risk of malpractice and how you monitor the organisation's effectiveness in preventing and managing malpractice and maladministration on an ongoing basis.

8. Please describe the type of operational expertise, skills and experience you currently have in your organisation to support the prevention and management of malpractice or maladministration. How do you keep the expertise and skills you need up to date?

9. How do you maintain sufficient resource to investigate incidents of malpractice and maladministration at all times?

Dealing with malpractice and maladministration

10. What decision-making processes do you have in place for informing:

- a) your Regulator(s) of an incident about malpractice and or maladministration that could have an adverse effect?

- b) other awarding organisations of an occurrence of malpractice and or maladministration that may affect them?

- c) how you decide which AOs to notify of an occurrence of malpractice?

11. If you receive intelligence from another awarding organisation about malpractice by a centre or centre staff, how do you record, monitor, manage and use that information to manage any associated risks to the delivery of your qualifications? You might wish to include information in relation to your:

- Centre approvals
- Centre agreements, and
- Centre monitoring.

Generative Artificial Intelligence (AI) and malpractice and maladministration

12. Although generative AI is not new, recent advances and public access to the technology mean that the public can now use it more easily. This poses opportunities and challenges for the qualifications and assessment sector. We wish to gather information about how awarding organisations are considering the impact of generative AI in relation to malpractice and maladministration.

Generative AI definition:

Generative AI technology uses foundation models trained on large volumes of data. It can be used to produce artificially generated content such as text, audio, code, images, and videos.

Examples of generative AI tools include ChatGPT, Google Bard, Claude and Midjourney. This technology is also being integrated into other tools.

- a) What potential risks and opportunities have you identified with generative AI, in relation to the prevention and management of malpractice and maladministration in your qualifications?

- b) What systems and processes do you have in place for identifying, preventing and managing the risks of malpractice and maladministration associated with the use of generative AI?

- c) How do you support Centres to identify and manage the risk of generative AI related malpractice and maladministration, where Centres deliver assessments on your behalf?

KLOE 3 - Capability and capacity to develop and maintain qualifications

- Link to [Condition A5 Availability of adequate resources and arrangements \(A5.1, 5.2 and 5.3\)](#)
- Link to [Condition E4 Ensuring an assessment is fit for purpose and can be delivered \(E4.1\)](#)

These questions are about your internal processes and systems to determine, acquire and retain relevant expertise on an ongoing basis.

Acquiring and determining expertise

13. As part of your qualification development or review processes, what processes do you have in place to consider:

- a) the types of expertise and resource required to support your qualification offer on an ongoing basis.

- b) the availability of the required expertise within your organisation and/or your ability to recruit the necessary expertise (where appropriate).

14. How, and when, is relevant expertise and resource determined and acquired when you decide to expand your qualification offer, especially into a subject area or a qualification type that you have not previously offered?

Maintaining expertise

15. Please explain your review processes for ensuring that you have sufficient resource and appropriate competence on an ongoing basis, including:

- a) how you ensure that you acquire and retain appropriate expertise to maintain the validity of your qualifications.

- b) how you monitor and review the sufficiency and capability of the expertise.

16. How do you decide whether to acquire the different types of expertise in-house or to outsource them? Where you decide to outsource the expertise, how do you ensure that the arrangement is sustainable, and that the expertise is sufficiently embedded within your organisation?

We are specifically interested in **assessment and/or technical expertise** needed to develop and maintain the validity of your qualifications, including the design of any assessment strategies relevant to these qualifications.

Declaration of governing body sign-off

Under Condition B2 for [Ofqual](#), [Qualifications Wales](#) and [CCEA Regulation](#), you must provide an annual Statement of Compliance.

The Statement of Compliance must be:

- (a) made in any form and on any date as may be notified to the awarding organisation by Ofqual / Qualifications Wales and CCEA Regulation
- (b) accurate
- (c) formally approved by the Governing Body of the awarding organisation, and
- (d) signed by the chair of the Governing Body and the Responsible Officer.

17. I confirm that the Statement of Compliance is accurate. *

- Yes, I can confirm this
- No, I cannot confirm this

[If no]. You have answered 'no' to say that the content of your Statement of Compliance is not accurate. Please provide an explanation below. We will contact you to discuss further. *

18. I confirm our Governing Body has formally approved the Statement of Compliance submission. I also confirm that, if requested, I am able to produce documents to verify that the Statement of Compliance was formally approved by the Governing Body. *

- Yes, I can confirm this
- No, I cannot confirm this

[If no]. You have answered 'no' to say your Governing Body has not formally approved the Statement of Compliance submission, or that you are unable to produce documents to verify that the Statement of Compliance was formally approved by the Governing Body. Please provide an explanation below. We will contact you to discuss further. *

19. Please confirm that both the Chair of the Governing Body and the Responsible Officer have signed off the Statement of Compliance submission. Please also confirm that, if requested, you are able to produce documents to verify that the Statement of Compliance submission has been signed off by the Chair of the Governing Body and the Responsible Officer.*

- Yes, I can confirm this
- No, I cannot confirm this

[if no] You answered 'no' to say your Chair of the Governing Body and/ or the Responsible Officer have not signed off the Statement of Compliance submission or that you are not able to produce documents to verify the Statement of Compliance was signed by the chair of the Governing Body and the Responsible Officer. Please provide an explanation below. We will contact you to discuss further. *

20. Please confirm the name of the Responsible Officer that signed off the Statement of Compliance: *

21. Please confirm the name of the Chair of your Governing Body that signed off the Statement of Compliance:

22. Please select the Chair of your Governing Body's name from the drop-down list, or enter their email address below *

Your Chair will be sent a copy of the Statement of Compliance.

Submit the Statement of Compliance

Thank you for completing your Statement of Compliance. Please select 'Submit Response' once you have finished completing the survey. You must do so by **Friday 19 January 2024**.

When you submit your response, your Chair will receive a link to the Portal record by email. The link will be sent to the email address that you select from the Portal drop down list or to the email address that you input for your Chair