

**National Assembly for Wales
Children, Young People and Education Committee
CYPE(4)–02–15 – Paper 3
Qualifications Wales Bill
Evidence from: Council for the Curriculum Examinations and
Assessment (CCEA)**

Consultation questions

The Explanatory Memorandum prepared by the Welsh Government describes the Bill's main purposes in the following terms:

The Bill provides for the establishment of Qualifications Wales as the independent regulatory body responsible for the recognition of awarding bodies and the review and approval of non-degree qualifications in Wales. Qualifications Wales will also, along with the Welsh Ministers, be responsible for preparing a list of priority qualifications, designated as such by reason of the significance of the qualification, having regard to the needs of learners and employers in Wales. The intention is, through the establishment of Qualifications Wales, to strengthen the oversight of qualifications and of the qualification system in Wales.

The Bill is intended to address the four main limitations of the current system. These are outlined in the Explanatory Memorandum as:

- there is no single organisation that is dedicated to ensuring the effectiveness of qualifications and the qualification system;
- there are no powers to prioritise qualifications and to thereby focus regulatory activity where it is most needed – with the result that there are large numbers of regulated qualifications but limited resources to ensure effectiveness;
- there are no powers to select a single provider of a given

qualification to ensure that learners across Wales take the same qualification; and

- the capacity to drive forward the strategic development of qualifications within the current arrangements is too limited – creating a risk that Wales’ qualifications will not be held in as high esteem, nationally and internationally, as those in other nations.

The Bill provides Qualifications Wales with the following principal aims, and it must act compatibly with these when exercising its functions:

- a) Ensuring that qualifications, and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales; and
- b) Promoting public confidence in qualifications and in the Welsh qualification system.

Question 1 – Is there a need for a Bill for the purposes outlined above?

Section 3 of the Exploratory memorandum notes the heavy influence of requirements in England on Welsh qualifications policy, with the needs of Welsh learners coming secondary to the requirements of English policy (para 3). It also notes concerns regarding the differences there can be across qualifications of similar titles within a competitive or open market structure. The Bill provides for the establishment of Qualification Wales to allow independent regulation and quality assurance of all non-degree level qualifications in Wales. This will allow for the design, development and approval of qualifications which have a specific Wales focus and/or which meet the needs of Welsh learners. The Bill will establish an independent body, accountable to the Welsh Assembly, with responsibility for ensuring that the qualifications system in Wales is fit for purpose.

If you believe there is a need for the Bill, what are the main issues

that need to be resolved?

The Bill covers the main areas to be resolved in terms of the need to ensure that the Welsh qualification system meets the need of learners for Wales. It is important that the proposed ongoing review relating to the consideration of future awarding body aspects of Qualifications Wales (recommended by the Huw Evans Review) continues to be addressed and is not lost once Qualifications Wales begins to operate in what will be a very busy environment. It is also important to clarify the roles of Qualifications Wales, Welsh Government and Awarding Organisations and how the effective discharge of roles will operate. Linked to this in the interim is the need for clarity to be established as to the commissioning model to be used by Qualifications Wales.

How significant is this issue? (Please select one option)

1 - This is a key, urgent problem.

2 - This is a problem that needs to be addressed.

3 - This is a minor problem

✓

4 - Not a problem.

Question 2 – Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum?

The Bill will support the independence, simplification and strengthening of regulation (para 193 Explanatory memorandum) by removing this role from Welsh ministers and setting up an independent body for this purpose. In our experience this will instil public confidence in the independence of the function.

The further parts of the Bill regarding the list of Priority qualifications and possible designation of Restricted Priority qualifications will meet the objectives set out in para 31 of the Explanatory notes, i.e. to avoid inconsistency between different forms of a given qualification and allow Qualifications Wales to exercise choice between Awarding Organisations. This will enable Qualifications Wales to make

decisions as to the number of qualifications that can be approved for offer in Wales, simplifying the qualifications offer which during the Review and subsequent qualifications was viewed as over complicated. It will also give powers to select a single provider if it is felt that all learners across Wales should take the same qualification, again an area viewed as a limitation of the current system.

If not, how do you think the Bill should be amended to take account of this?

No further suggestions.

How significant is this issue? (Please select one option)

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| <i>1 - This is a key, urgent problem.</i> | |
| <i>2 - This is a problem that needs to be addressed.</i> | |
| <i>3 - This is a minor problem</i> | |
| <i>4 - Not a problem.</i> | ✓ |

Question 3 – Are the sections of the Bill as drafted appropriate to bring about the purposes described above?

The proposed powers to be given to Qualifications Wales and the activities that they will be required to carry out, as drafted in the Bill, will allow Qualifications Wales to work towards meeting the two principal aims as outlined above.

If not, what changes do you believe need to be made to the Bill?

No changes proposed.

How significant is this issue? (Please select one option)

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| <i>1 - This is a key, urgent problem.</i> | |
| <i>2 - This is a problem that needs to be addressed.</i> | |
| <i>3 - This is a minor problem</i> | |
| <i>4 - Not a problem.</i> | ✓ |

Question 4 – Has the Welsh Government correctly identified the four main limitations of the current arrangement, and will the two principal aims the Bill sets for Qualifications Wales, as well as the eight matters which it must have regard when exercising its functions, effectively address these limitations?

The limitations identified follow on from the regulatory and qualifications market recommendations in the Review and outline areas where change is needed to allow the recommendations as a whole to be further acted upon. Further recommendations relating to the operation of Qualifications Wales in terms of awarding are noted as being for action in future legislation. It seems appropriate to establish the regulatory parameters initially whilst work is ongoing in other areas which may impact upon the future operation of Qualifications Wales in terms of aspects of for example awarding

The two principal aims and the eight matters should address the limitations outlined.

The aims give Qualifications Wales responsibility for the effectiveness of qualifications and the qualifications system in Wales, as well as promoting public confidence in both. It addresses the lack of a single dedicated organisation and reduces the risk of Wales' qualifications being held in lower esteem.

Limitations two and three are not directly addressed by the aims and matters identified but the details of the work Qualifications Wales will be asked to carry out in terms of the list of priority qualifications and restricted priority qualifications do address these areas. The overall aim of ensuring the Welsh qualification system is effective in meeting the needs of learners allows for a wide range of activities that could be undertaken to address all limitations.

Likewise, the eight matters do not directly address the limitations stated. However if, in performing its functions, Qualifications Wales pays regard to the economy, stakeholders, comparability, relevance, value for money, it will be in line with the second principal aim of the Bill and ultimately will address issues related to the current

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| limitations identified in the system. | |
| If you believe there are problems in this area, how do you think they could be resolved? | |
| No problems noted. | |
| How significant is this issue? (Please select one option) | |
| <i>1 - This is a key, urgent problem.</i> | |
| <i>2 - This is a problem that needs to be addressed.</i> | |
| <i>3 - This is a minor problem</i> | |
| <i>4 - Not a problem.</i> | ✓ |
| Question 5 – What are your views on the proposals for determining ‘priority qualifications’ and, within these, ‘restricted priority qualifications’? | |
| <p>It is an opportunity to streamline the complicated qualifications offer currently in place, allowing clearer options when choosing qualifications and will give public confidence that whatever qualifications are chosen, they will meet the reasonable needs of learners in Wales and the needs of Further and Higher Education, employers and the economy. It will also address the concerns regarding inconsistency across qualifications with the same title and could help ensure continuity and coherence within the curriculum.</p> <p>Conversely, however, it will, as required, limit the qualifications offer in Wales and, by linking the priority and restricted priority qualifications to public funding, restrict the qualifications market to fewer versions of key qualifications. This may concern stakeholders who prefer to have a choice of qualifications of the same title on offer and, whilst the intention is not to remove providers from the qualifications market, it will reduce the number of Awarding Organisations offering some qualifications in Wales to meet the stated goal of a single suite of qualifications for Wales. This in turn may reduce the innovation, creativity and relevance of both content and assessment methodology of qualifications and should be</p> | |

monitored.

Management of comparability, portability and cross-border currency in the UK and Europe is also noted as important for stakeholders under the new system and Qualifications Wales will need to ensure there is public confidence in the decisions made and a transparency in the data used to make these decisions.

If you think there are problems in this area, how do you think they could be resolved?

Stakeholder involvement throughout the process and stakeholder endorsement will be vital to ensure portability and comparability are managed. If learners in Wales are to have a reduced qualification offer then what is on offer must allow for progression into Further and Higher Education and/or employment within and outside Wales.

How significant is this issue? (Please select one option)

1 - This is a key, urgent problem.

2 - This is a problem that needs to be addressed.

3 - This is a minor problem

✓

4 - Not a problem.

Question 6 – What are your views on the commissioning type process Qualifications Wales would undertake under the Bill, in respect of restricted priority qualifications?

Having notified Awarding Organisations regarding proposals to restrict and taken on board responses, Qualifications Wales could: ask Awarding Organisations for expressions of interest in designing qualifications detailing relevant experience of similar work and how the needs of learners in Wales would be met; request that Awarding Organisations submit qualification proposals for consideration; request that Awarding Organisations submit draft qualifications and sample assessment for consideration with the most suitable being approved for; ask Awarding Organisations to work collaboratively to

design a single restricted priority qualification (although the competitive market place makes this challenging); or select from qualifications already on offer. During any of the processes above, Qualifications Wales could make decisions about which form or forms of qualification it will approve based on the evidence presented. The latter will form a record for any subsequent audit.

Across the current suite of non-degree level, general and vocational qualifications this is a potentially large item of work to be carried out and it will take some time to meet the objectives stated.

Whatever commissioning type process is chosen, a transparent scheme, setting out clear qualification criteria and a procedure for determining/selecting which forms will be approved needs to be devised. Firstly, as this is a competitive process subject to scrutiny and challenge; secondly to instil public confidence; and, thirdly to ensure there has been regard of the eight matters in Part 2, section 3 (2).

Depending on the competition process devised, this could significantly reduce the interest of Awarding Organisations in developing qualifications for Wales – i.e. if the development of qualifications for the competition incurred significant costs, especially if it is a relatively small market or small demand curriculum area.

If you believe there are problems in this area, how do you think they could be resolved?

There remains a lack of clarity as to how the commissioning process will be carried out. The Bill outlines that this process will be carried out and gives Qualifications Wales the power to design how. Therefore, as yet this is to be decided and it will be important that this is carefully considered. This is unlikely to be detail appropriate for inclusion in the Bill and so would not hinder progress in the legislation. However it is a more significant – issue in terms of how the qualifications market in Wales will actually operate once Qualifications Wales is established.

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| How significant is this issue? (Please select one option) | |
| <i>1 - This is a key, urgent problem.</i> | |
| <i>2 - This is a problem that needs to be addressed.</i> | |
| <i>3 - This is a minor problem</i> | ✓ |
| <i>4 - Not a problem.</i> | |
| Question 7 – How will the Bill change what organisations do currently and what impact will such changes have, if any? | |
| <p>The Bill will change the current regulatory mechanisms and systems in Wales and this will have an impact on three-country processes and on interaction with Ofqual and CCEA.</p> <p>It will also change the relationships between the Welsh regulator and Awarding Organisations. It is noted in the Bill that the roles and responsibilities of both parties are to be reviewed in light of the establishment of Qualifications Wales and subsequently clarified, as are the inter-relationships.</p> <p>The aim of a single suite of qualifications may limit the number of Awarding Organisations offering qualifications in Wales.</p> | |
| If you believe there are problems in this area, how do you think they could be resolved? | |
| The process for development and offer of priority and restricted priority qualifications may need to be clarified as a priority once Qualifications Wales is established. | |
| How significant is this issue? (Please select one option) | |
| <i>1 - This is a key, urgent problem.</i> | |
| <i>2 - This is a problem that needs to be addressed.</i> | |
| <i>3 - This is a minor problem</i> | ✓ |
| <i>4 - Not a problem.</i> | |

Question 8 – What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

Due to the large number of qualifications currently accredited and on offer, it will be a significant challenge to review all vocational and general qualifications to allow prioritisation in terms of their significance to learners and employers in Wales. For qualifications undergoing revision restricting the number of forms of priority qualifications will make this more manageable but overall this is a challenging provision.

If you believe there are problems in this area, how do you think they could be resolved?

Stakeholder involvement in this process will be crucial as will sufficient resourcing for Qualifications Wales.

How significant is this issue? (Please select one option)

1 - This is a key, urgent problem.

2 - This is a problem that needs to be addressed.

3 - This is a minor problem

✓

4 - Not a problem.

Question 9 – Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?

This would appear appropriate.

Question 10 – What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?

In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

This would appear appropriate in the circumstances outlined in the Memorandum.

Question 11 – What are your views on the financial implications of the Bill?

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

Passing the Bill and establishing an arm's length regulatory body is the most costly of the options considered. However, it is the only option of the three which enables progress on some of the Review recommendations; addresses the identified limitations of the current system; and meets the aims and objectives stated for the qualification system in Wales.

Question 12 – Are there any other comments you wish to make about specific sections of the Bill?

In light of GCSE English issues in summer 2012, the delineation of roles of Qualifications Wales and Ofqual (in sections 30 and 31) is important to clearly establish who regulates what qualification where, as, whilst differing in structure, general qualifications such as GCSEs and A levels will have the same titles in England and Wales and the same vocational qualifications will be available in both jurisdictions.

Section 41(3) providing for Qualifications Wales to undertake research into any matter connected with qualifications is an important aspect. This will inform all aspects of the work of Qualifications Wales and help instil public confidence in the decisions made in terms of best practice and supporting the future strategic development of qualifications.