Consultation Policy

JUNE 2017
Version Control and Review

This version (2) of Qualifications Wales’ Consultation Policy was approved on 20 June 2017

Section 47(3) of the Qualifications Wales Act 2015 (the “Act”), requires us to publish a statement of our policy with respect to consultation. We will keep policy statements prepared under Section 47 of the Act under review, and if we consider it appropriate in consequence of a review, prepare revised statements. We will review this document at least every 3 years. Such a review may consider the effectiveness of the policy and its ongoing applicability. The next review is due to take place no later than March 2020 Feedback on this policy is welcomed at any time. Please send any comments to policy@qualificationswales.org. Please note that only comments regarding the generality of this document, rather than specific situations will be considered as part of that review.
General Principles of the Consultation Policy

1. This statement of policy is for all stakeholders with an interest in the work of Qualifications Wales. As required by Section 47(3) (Policy statement and statement about consultation) of the Qualifications Wales Act 2015 (“the Act”), the statement sets out circumstances in which we propose to carry out consultation in respect of the exercise of any of our functions, and, the manner in which we propose to carry out such consultation. The policy is intended to provide clarity for stakeholders on our approach whilst providing flexibility for us to carry out our statutory functions in a responsive manner.

2. We are committed to transparent and meaningful consultation, where appropriate, in order to inform high quality decision making. This policy is based on the principle that the type and scale of consultation will be proportionate to the potential impact of the proposal and will consider suitability and appropriateness of different consultation methods to enable meaningful contributions from stakeholders. It does not intend to be prescriptive regarding the circumstances where we will consult in order to ensure flexibility and appropriate and targeted consultation. It should be noted that there is no general duty for public bodies to consult and there may be instances where it is not appropriate for us to consult.

3. We are committed to a collaborative approach in our role as a regulator and will use consultation as part of a wider evidence base including feedback from engagement activities, legislative requirements, data, costs and other considerations in light of the eight matters to which we are obliged to have regard under Section 3(2) (Principal aims of Qualifications Wales) of the Act in developing our strategies. There will be occasions where, in our capacity as a regulator, it is not appropriate to consult on certain matters.

4. Consultations will only take place when a proposal is at a stage where a final decision has not been made. We will conscientiously consider and use information gained from consultations to make appropriate judgements in decision making. We will acknowledge concerns and will provide feedback on how stakeholder input influenced the outcome. In communicating our decisions, we will provide a rationale for the decision taken. The outcomes of
consultation will be considered within the context of the Principal Aims of Qualifications Wales, namely to:

- Ensure that qualifications and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales; and
- Promote public confidence in qualifications and in the Welsh qualification system.

5. This policy does not relate to formal decisions we make in relation to one or more awarding bodies and their qualifications.

**Definition of Consultation**

6. We regularly seek the views of our stakeholders to inform the development of our work and to provide us with evidence. Equally, we provide information to our stakeholders and communicate through a broad range of forums and methods. This means we engage and consult with stakeholders as appropriate. To distinguish clearly between consultation and engagement, both terms are defined below.

7. By consultation we mean the process of formally asking for, and listening to, the views of stakeholders on a question, a proposal or a set of options. There is no obligation on an organisation which has carried out a consultation to be bound by the views expressed, but the responses must be properly considered and may influence the decisions, policies or actions of the organisation.

8. By engagement we mean the continuing and on-going process of developing mutually beneficial, two-way relationships and partnerships with stakeholders. Engagement helps to ensure that stakeholders are informed about our plans at an early stage and have an opportunity to share their views.

9. This policy outlines when and how we propose to carry out consultations.

**When we propose to carry out consultations**

10. Subject to the General Principles set out above, in respect of the exercise of our functions, we propose to carry out consultation in the following circumstances:

   i. Policy development which may impact on the business plans or finances of awarding bodies;
   
   ii. Regulatory strategy; and
   
   iii. Significant process change.
11. The circumstances outlined above are indicative rather than prescribed areas that shall always require consultation. The requirement for consultation will be determined in accordance with the criteria in this policy and on a case by case basis. Other policy statements may also outline further specific requirements to consult.

12. In determining whether to consult, we will consider a number of criteria, including but not restricted to:

i. whether a proposal is at a formative stage that will allow for meaningful consultation;

ii. whether a proposal is likely to be of public interest, for example where it is deemed to have a significant impact on learners or influence public confidence in qualifications and the qualifications system in Wales;

iii. the impact of a proposal on stakeholders, for example as identified through a Regulatory Impact Assessment;

iv. the level of proposed change (including volume, degree and impact);

v. the type of engagement required by stakeholders to contribute their views on a specific proposal;

vi. whether it is deemed likely that a consultation would deliver sufficient information to influence a proposal; and

vii. any limitations of external factors such as legislative requirements or decisions made by external bodies which may impact on a given proposal or on our ability to meaningfully consult.

13. In assessing these criteria, we will be targeted and proportionate in our approach to ensure that our actions are not overly burdensome, both to stakeholders and us, and do not impede the effective functioning of Qualifications Wales in an unwarranted manner.

**How we propose to carry out consultations**

14. The manner in which we propose to carry out consultations comprises the questions of who we would consult, the methods we would use to consult, considerations with regards to accessibility of consultations and the methods of reporting on any consultations we carry out.

15. When planning a consultation, we will consider:

i. Realistic timeframes to allow for considered responses from stakeholders and to allow us to conscientiously analyse and consider the responses we receive;
ii. The need to provide sufficient information to stakeholders to allow for considered responses;

iii. Other dependencies and the impact of delaying policy implementation; and

iv. The novelty and complexity of the proposal.

16. In planning consultation exercises, we will review the effects (whether positive or adverse) that the proposal under consideration would have on opportunities to use the Welsh language and treating the Welsh language no less favourably than the English language.

17. We will also consider and ask about any impact the proposal under consideration would have on persons sharing characteristics\(^1\) under the Equality Act 2010.

18. In determining who to consult, we will seek to ensure that the consultation captures the full range of stakeholders as identified through Regulatory Impact Assessments or other analyses and will review on an ongoing basis our strategy and methods for consulting with stakeholders.

19. Our consultations will always include a bilingual written document outlining the proposal or options that we are consulting on. They will normally also include a set of questions (for example in the form of an online questionnaire or an interview guide) regarding the proposal or options as well as opportunities to submit a written response in an alternative format. All consultations will be available on our website.

20. In addition, we may utilise a range of consultation tools and methods, including but not restricted to:

i. questionnaires;

ii. interviews;

iii. Email or web-based forums;

iv. conferences or workshops;

v. webinars;

vi. working groups;

vii. focus groups; and

viii. social media.

21. In determining appropriate methods for consultation, we will consider:

i. the method most likely to collect information and/or data that is meaningful, valid, reliable and not subject to bias;

ii. the formative stage of the development of the proposal, in particular:
   - the prior involvement of stakeholders; and
   - the requirement to inform the development of the proposal or to comment on a given proposal or aspects of that proposal;

iii. the intended purpose of the consultation, including but not restricted to:
   - to gain expertise and alternative perspectives;
   - to identify unintended effects and practical problems;
   - to test options;
   - the expected burden a particular method might have on stakeholders or on us;

iv. the impact of the issues under consideration as determined by any Regulatory or Equality Impact Assessments that have been undertaken;

v. the range of stakeholders for consultation and how they can best be reached to contribute their views (for example, using methods more accessible to young people when targeting learners); and

vi. the available timescale and resources.

22. We will make the consultation document and any supporting materials, such as a questionnaire, as accessible as possible. We will also aim to provide all documents in alternative formats (e.g. large print, braille or alternative languages) upon request.

**After a consultation has closed**

23. We will conscientiously analyse and consider all responses we receive as part of a consultation. A summary report of the findings will be published on our website. Where appropriate, this report will identify trends in responses and relate these to respondent characteristics.

24. We may also publish responses in full, if it is deemed relevant to the consultation. Respondents will be asked for consent for their name or organisation name, and postal town, to be published alongside their response. All personal data held by Qualifications Wales will be retained in accordance with UK data protection law.

25. We will report on the outcomes of consultations on our website and will provide the rationale for our decisions following the consultation. When
reporting on the outcomes of consultations, we will use a range of feedback methods to support any formal reports. These methods may include:

i. public meetings;

ii. Conferences;

iii. webinars; and

iv. social media.