



Guidance for awarding bodies on Condition D6



Guidance for awarding bodies on changing the status of qualifications and withdrawing - Standard Conditions of Recognition D6

Background

We are responsible for regulating qualifications and the qualification system in Wales.

We regulate the awarding bodies that are recognised by us to develop, deliver and award qualifications to Learners in Wales. All recognised awarding bodies are subject to our rules, including those set out in the [Standard Conditions of Recognition](#).

We carried out a review of the Standard Conditions of Recognition in 2019-20 and published a revised Condition D6 that came into force on 1 October 2020. Awarding bodies told us during the review that guidance would be helpful to support their ongoing compliance with this new Condition.

Therefore, the purpose of this document is to support awarding bodies with complying. It is not intended to be prescriptive and in this way, it is the awarding body's responsibility to determine how to comply with its conditions of recognition.

Version History

This guidance was published in June 2021.

If you have any questions or feedback on this guidance document, please email the Regulatory Policy Team at policy@qualificationswales.org.

This document is available in [Welsh](#).

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1. Introduction

- 1.1 All qualifications offered by awarding bodies recognised by us are regulated by us, unless the awarding body has surrendered recognition for any qualifications.
- 1.2 All qualifications that are recognised by us (i.e. within the scope of the awarding body's recognition) fall into one of three categories. The three categories of regulated qualifications are Approved, Designated or Other Regulated. Approved and Designated qualifications are eligible for use on publicly funded programmes of study in Wales.
- 1.3 When an awarding body wishes to withdraw a qualification or change the status of a qualification, they must comply with Condition D6.

2. Condition D6

- 2.1 Condition D6 sets out what we require awarding bodies to do when qualifications change status or when the awarding body withdraws a qualification. Annex A includes the full text of Condition D6.
- 2.2 The purpose of Condition D6 is to protect Learners who are seeking to obtain the qualifications that are changing status or being withdrawn. When a qualification changes status or is being withdrawn, it could mean that Learners are no longer able to take those qualifications and they could be adversely affected. A change of status can also impact centres and therefore Learners when the course that leads to the qualification is no longer eligible for public funding. This Condition is there to protect Learners and awarding bodies must take all reasonable steps to protect their interests in relation to any change in the status of that qualification:

D6.4 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.

- 2.3 Learner is a defined term in the Standard Conditions of Recognition. For a definition, please see the appropriate section below.

3. Change of status or withdrawing a qualification

- 3.1 Changing status in the context of Condition D6 means that:
- i. the qualification changes category – between approved, designated and other regulated; and/or
 - ii. the qualification is no longer available to Learners, for example because it is not live (i.e. the end date has passed, or designation has expired).
- 3.2 D6.1 deals with circumstances where a qualification is being withdrawn i.e. it is no longer regulated at all. A qualification is withdrawn because the awarding body is withdrawing it, or Qualifications Wales requires the awarding body to withdraw it. It means that the qualification is or will no longer be regulated and removed from the regulated market.
- 3.3 Condition D6.1 sets out the circumstances of withdrawing a qualification as follows:
- i. the awarding body ceases to register Learners for the qualification; or
 - ii. ceases to deliver or award that qualification to Learners; or
 - iii. surrenders its recognition in respect of that qualification; or
 - iv. has its recognition withdrawn by Qualifications Wales in respect of that qualification.
- 3.4 Conditions D6.2 and D6.3 set out the circumstances when awarding bodies change the category of Approved and Designated qualifications, respectively.
- 3.5 Qualifications can change status for a number of reasons. These could be due to decisions you take as an awarding body or could be due to decisions taken by us. For instance, an awarding body could decide that they no longer wish to offer a particular qualification and put a plan in place to manage that change. Similarly, we may take action that will change the status of a qualification e.g. we may revoke the designation of a designated qualification or restrict the number of qualifications of a particular form that can be offered in the market. Where we introduce a new Approved qualification to the market, then same or similar qualifications in the Designated category could be affected and we may revoke them.
- 3.6 The first part of this guidance covers the scenarios where the awarding body is intending to change the status of a qualification. Instances where we initiate changes are covered later in the guidance (e.g. where we revoke designation or withdraw approval or recognition). Before doing so, this next section of the guidance describes

the three types of regulated qualifications, which provides a useful context to changes in the status of qualifications in the context of Condition D6.

4. Categories of regulated qualifications

4.1 Qualifications regulated by us fall into three categories;

- ♦ Approved;
- ♦ Designated; and
- ♦ Other regulated.

Approved category qualifications (restricted and unrestricted)

4.2 Approval is described in Section 22 of the Qualifications Wales Act (2015).

4.3 Approved category qualifications are those qualifications that have usually been designed by us for Learners in Wales.

4.4 In most instances, these qualifications will also have been published on our [Priority Qualifications List](#) as they have been identified by both ourselves and the Welsh Government as being of highest priority to Learners and employers in Wales.

4.5 Approval Criteria are usually published for these qualifications. An awarding body wishing to offer Approved qualifications must first meet our requirements, as set out in the Approval Criteria.

4.6 Once approved, the awarding body is able to offer these qualifications and they are eligible for use on publicly funded programmes of learning for Learners under the age of 19.

4.7 The above is an open market approach, where we have not restricted the number of forms of Approved qualifications that can be made available in the market. On the other hand, if we restrict the number of Approved qualifications, then we will either select or commission/ tender in order to secure the number of forms of the Approved qualifications that we have determined through restriction.

Designated category qualifications

4.8 *Designation* and what a *Designated qualification* is are both defined under Part 5 and in Section 29 of the Qualifications Wales Act (2015).

- 4.9 Designated qualifications must meet our requirements as set out in our [Designation Policy](#) and [Rules about Applications for Designation of Qualifications](#).
- 4.10 Once designated they are eligible for use on publicly funded programmes of learning for Learners under the age of 19.
- 4.11 Typically, qualifications that fall into this category, have been developed outside of Wales and have been made available to Learners in Wales as well as being offered to Learners to take elsewhere.

Other regulated category qualifications

- 4.12 Other regulated, are all other qualifications that are offered by awarding bodies that we regulate that have not been either approved or designated.
- 4.13 Other regulated qualifications are not eligible for use on publicly funded programmes of learning for Learners under the age of 19.
- 4.14 All three categories of qualifications are regulated by us and awarding bodies can include our logo on certificates for each of them. All of the awarding body's qualifications are regulated by us and fall within the three qualification categories, unless we or the awarding body has withdrawn or surrendered them from recognition. Whichever category the qualification falls under, if it changes category, then it changes status and awarding bodies must comply with Condition D6 in this regard.

5. What you are required to do under Condition D6

- 5.1 When you intend to make a change to the status of a qualification, you must:

- i.** Notify us of the anticipated change;
- ii.** Promptly prepare, maintain and comply with a written plan, demonstrating that you take all reasonable steps to protect the interests of Learners;
- iii.** Provide clear and accurate information about the change to those likely to be affected;
- iv.** Update QiW database;
- v.** Comply with all the Conditions of Recognition when making the change; and
- vi.** Comply with any requirements that we communicate to you in writing.

5.2 Guidance on each of the six steps is set out below:

i. Notify us

You need to notify us of your intention to make changes to the status of, or withdraw, a qualification and you need to do so in writing through the Qualifications in Wales database (QiW). (For more detailed information on how to do so in QiW, please see the relevant section below).

You must also do so prior to providing information to any Learners, centres, or purchasers of qualifications, in accordance with Condition D6.5.

In practice, an awarding body will have needed to contact centres and/or Learners prior to notifying us in order to ascertain whether there would be an impact on centres and/or Learners. However, those are initial enquiries in order to identify potential impacts and consider what decision to take. Once you have made a final decision, you must notify us in writing of your decision before you notify centres or Learners.

We require reasonable notice of any anticipated change of status or withdrawal of a qualification, in order to be able to consider any matters, ensure that the interests of Learners are given due regard and whether we need to communicate any further requirements to you in writing as part of the process.

ii. Prepare a plan

Once you are aware that there will be a change in status or that you are withdrawing a qualification, you must promptly prepare, maintain and comply with a written action plan. The plan will demonstrate how you have considered the impact of the change on Learners and how you plan to implement the change.

You must take all reasonable steps to protect the interests of Learners. The plan will need to outline what steps you will take to protect the interests of any Learners seeking to obtain the qualification. This includes Learners that have not yet enrolled/ registered for the qualification but who are preparing to do so. Please see more details on the definition of Learners below. We expect you to contact your approved centres (those approved to deliver the qualification in question) and find out if there are any Learners working towards the qualification. If the change in status means the centre will no longer be able to draw down public funding, then the plan will set out how this change will impact on centres and therefore Learners and how you are going to implement the change whilst managing any impacts on Learners.

Once you have a plan in place, you must ensure that you implement that plan and also keep the plan up to date and review it regularly.

We may want to see your plan and you must comply with any requirements we communicate to you in writing about the plan.

More guidance on what to include in the plan itself is available in the section below called 'Further guidance on the written plan.'

iii. Provide clear and accurate information about the change to Learners, centres and purchasers of the qualification

Before making any changes, it is important that you communicate clearly and accurately with all those stakeholders likely to be affected by the change.

It is also important that all communications are made in a timely manner so that centres can plan their provision and prepare Learners effectively for assessments, so that Learners are not adversely affected by any changes.

When making changes to qualifications, you need to update all your published information and documentation to reflect the changes so that all stakeholders are made aware of any changes in a timely manner. Keeping information accurate and up to date ensures that users of qualifications have the right information available to them to make effective decisions and are not misled by inaccurate information about the availability of qualifications and their eligibility for use on publicly funded programmes of learning for Learners under 19.

More generally, all of your published sources of information must be kept up to date at all times. It is a requirement under Condition B5.1 that awarding bodies must not make statements that could mislead a user of qualifications to think that a qualification was in a different category to what it actually is. For example, users of qualifications need to know which qualifications are regulated compared to those that are not regulated and similarly, those that are eligible for public funding and those that are not.

iv. Update QiW database

Awarding bodies are required to keep the information up to date and accurate on the QiW database. In this regard, any withdrawal or changes to the status of a qualification will need to be reflected on QiW in a timely manner. This will ensure that users of qualifications are able to rely on the accuracy of these data to make decisions about their choice of qualifications, and similarly, we can rely on these data in order to carry out our regulatory functions effectively.

A practical guide on how to make the changes on QiW is provided in a section below.

v. Comply with all relevant Conditions of Recognition

When planning to make any change or during and after the implementation of any changes, you must do so in a way that complies with your conditions of recognition. These will be the Standard Conditions of Recognition and any qualification-specific and/or awarding body conditions specific to you.

It is important to note that Conditions A-J are inter-related and there are other Conditions that connect with Condition D6. For example, in accordance with A6, awarding bodies must take all reasonable steps to identify the risk of any incident which could have an adverse effect. This would include identifying any risks associated with changing the status of a qualification or withdrawing a qualification from the regulated market.

Similarly, B3.1 requires an awarding body to promptly notify us when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect. This applies if a change in status or withdrawal is likely to or has led to an Adverse Effect.

B5.1 says that an awarding body must not make any statement (and must take all reasonable steps to ensure that any person connected with it does not make any statement) that would be likely to lead users of qualifications to believe that its qualification is:

- (a) a Regulated Qualification when it is not a Regulated Qualification;
- (b) an Approved Qualification when it is not an Approved Qualification, or
- (c) a Designated qualification when it is not a Designated Qualification.

Information made available to users of qualifications must be accurate at all times. This includes ensuring that the category of qualification (regulated/ unregulated, as well as approved/ designated / other regulated) is communicated accurately.

Similarly, when you are advertising and promoting your qualifications, you must not do so in a way that is likely to be misleading to users of qualifications, as set out in Conditions B5.2

Where a qualification is withdrawn as a regulated qualification but continues to be available as an unregulated one, an awarding body needs to clearly communicate the change in its regulatory status to avoid users of qualifications being confused or misled and ensure it complies with the requirements of Condition B5.1.

Condition E6 also requires that the data held on the QiW database about these qualifications is accurate.

Conditions B5.3 and I3.1 are also relevant, because we have requirements around the use of our logo and only qualifications that are regulated by us should display our logo. Again, if the status of a qualification changes and is no longer regulated by us, then our logo should no longer appear on certificates and you must not mislead any users of qualifications that the qualification is regulated when it is not.

When complying with D6, awarding bodies must have due regard for all relevant regulatory documents, including policies and guidance.

vi. Comply with any requirements which we communicate to you in writing regarding the matter

We may want to see your plan and in accordance with B4, if we serve a written notice asking for the plan then you must provide the plan to us and within any timeframes we have specified in the notice, and ensure that the information provided to us is accurate and complete.

In accordance with D6.7, an awarding body must comply with any requirements we communicate in writing to you regarding the written plan.

6. Instances where we instigate change

- 6.1 There are decisions that we take as a regulator that also impact on the status of qualifications. For example, a change of status would occur if we revoked designation as a result of introducing new restricted priority qualifications to meet a particular need in Wales, or qualifications were withdrawn because we withdrew an awarding body's recognition. While we will initiate these and communicate with affected awarding bodies in writing about these, there are still activities the awarding body needs to undertake to remain compliant under D6.
- 6.2 The majority of steps outlined in the earlier sections of this guidance will remain relevant with the exception of step 1 – notifying us, due to the fact that we will write to notify you of the change.

7. Further guidance on the written plan

- 7.1 Condition D6.6 requires an awarding body to prepare a written plan regarding any change in status or withdrawal of a qualification. This plan must specify how the interests of Learners in relation to that qualification will be protected.
- 7.2 Once the plan is in place, an awarding body is also required under D6 to maintain and comply with that plan.
- 7.3 Furthermore, in accordance with Condition D6.7, for any plan an awarding body prepares, it must comply with any requirements we place in writing regarding that plan.
- 7.4 When preparing your plan, these are examples of areas to include (but this does not preclude you from including others):
- clear timescales;
 - an explanation of why the qualification is being withdrawn or changed in terms of status;
 - information about the numbers of Learners or centres that may be affected;
 - take into account the uptake and purpose of the qualification, and include how timely and relevant information will be provided to Learners, centres and purchasers of qualifications about alternative or replacement qualifications that are available and how these differ from the qualification being withdrawn or changing status;
 - information about how the interests of Learners taking the qualification will be protected; and
 - the actions the awarding body is going to take to implement the changes effectively and to manage any impacts on centres and Learners and any other stakeholders.
- 7.5 In terms of implementation, the awarding body should:
- deliver the plan effectively, keeping the plan under review (including seeking and analysing feedback from centres about how the withdrawal or change of status is progressing) and change the plan, as necessary; and
 - keep us informed as necessary and make the appropriate updates in QiW to ensure that information about the qualifications are accurate and contemporary for potential and current users of the qualification.
- 7.6 Communication is key throughout the change process. The awarding body should provide relevant and timely information to users about the qualification being withdrawn or changing status. This information should be proportionate to the

impact of the withdrawal or the change in status, and could include (where applicable):

- which qualifications are being withdrawn or are changing status, and why;
- how the withdrawal or change in status could affect Learners/ which Learners and at what points in time;
- dates for final registrations for new Learners, and assessments and retake opportunities for existing Learners;
- information about deadlines for completing particular actions; and
- arrangements for Learners to switch to alternative qualifications, if appropriate.

8. A Practical Guide on how to make the changes in the QiW database

8.1 Qualifications in Wales (QiW) is the database that contains all the qualifications we regulate. When you change operational end dates of qualifications, you do this through QiW. When you change the status of a qualification, this needs to be reflected on QiW. Also, when you withdraw a qualification so that it is no longer regulated by us, this needs to be removed from QiW. This section of the guidance provides practical support on how to do these important actions to ensure the database is accurate.

How to withdraw a qualification through QiW

- 8.2 You must give **notice of your intention to withdraw** a qualification by requesting to bring forward the Operational End Date and Certification End Date through the amendment process on the QiW database. You must also add a comment to QiW stating that you are withdrawing the qualification, including a note about any impacts on Learners, and you must confirm that you are compliant with Condition D6. We may contact you for further information including details of your withdrawal plan before we take the next practical step to archive this qualification on QiW.
- 8.3 Simply amending the end dates will not suffice. All designated qualifications become other regulated qualifications on QiW once the Certification End Date has passed. Therefore, if we do not have the comment regarding withdrawal and condition D6, the qualification will continue to be on QiW as other regulated but will no longer be designated.

How to change the status of a qualification through QiW

- 8.4 You must give notice of your intention to change the status of a qualification through the QiW database.

- 8.5 If you wish to change an 'other regulated qualification' to 'designated', press the appropriate button on the qualification record and submit the additional information and evidence as required for the designation process.
- 8.6 If you wish to change a 'designated qualification' to 'other regulated', you will need to amend the Operational End Date and Certification End Date and add a comment stating that you wish to end the designation of the qualification. You will need to add a note stating whether there will be an impact on Learners and you need to also confirm that you are compliant with Condition D6. We may contact you for further information, including asking for details of your plan or a copy of the plan.
- 8.7 Designated qualifications automatically change to other regulated status when the certification end date passes, unless you request otherwise.
- 8.8 QiW sends an automated email six months before the Operational End Date warning of the approaching end dates. This should serve as a prompt for you to extend the designation of the qualification or, if you do nothing, we will take this as notification that you wish the qualification to change to other regulated status.

How to amend dates on QiW

- 8.9 There is online advice and guidance on www.qiw.wales or www.qualificationswales.org, or you can contact us directly at recognitionandapproval@qualificationswales.org for assistance.

9. Learners

- 9.1 **Learner** is defined in the Standard Conditions of Recognition as,

'a person who is seeking to obtain qualifications.'

- 9.2 In this regard, awarding bodies need to protect the interests of all Learners who are seeking to obtain the qualification. This means protecting the interests of any Learners about to register or who are registered on the qualification in Wales. The awarding body needs to take all reasonable steps to identify Learners that are about to register. For example, Learners that have been prepared for the assessment or who are enrolled on a course that leads to that assessment would fall into this category.

Annex 1 – Condition D6 of the Standard Conditions of Recognition

Condition D6 – Management of the change in the status of qualifications or withdrawal of qualifications

- D6.1 For the purposes of this Condition, an awarding body withdraws a qualification at the point in time when it first:
- (a) ceases to register Learners for the qualification;
 - (b) ceases to deliver or award that qualification to Learners;
 - (c) surrenders its recognition in respect of that qualification; or
 - (d) has its recognition withdrawn by Qualifications Wales in respect of that qualification.
- D6.2 For the purposes of this Condition, an awarding body changes the status of an Approved Qualification at the point in time when:
- (a) its Approval in respect of that qualification expires;
 - (b) it surrenders its Approval in respect of that qualification; or
 - (c) it has its Approval withdrawn by Qualifications Wales in respect of that qualification.
- D6.3 For the purposes of this Condition, an awarding body changes the status of a Designated Qualification at the point in time when:
- (a) its Designation in respect of that qualification expires; or
 - (b) it has its Designation revoked by Qualifications Wales in respect of that qualification.
- D6.4 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.
- D6.5 An awarding body must give to Qualifications Wales reasonable notice of its anticipated change of status or withdrawal of a qualification, and must do so prior to the time at which it provides that information to any Learners, Centres, or purchasers of qualifications.
- D6.6 Where an awarding body intends to change a status or withdraw, or is obliged to change a status or withdraw, a 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 change of status or withdrawal to Learners, Centres, and purchasers of qualifications who are likely to be affected by the change of status or withdrawal.
- D6.7 An awarding body must ensure that any such plan which it prepares complies with any requirements which Qualification Wales has communicated to it in writing.