

Integrated Impact Assessment – Qualified for the future

Autumn 2019

1. Introduction

- 1.1. This document sets out the integrated impact assessment of our proposals outlined in the consultation – [Qualified for the future](#).
- 1.2. Taking an integrated impact assessment approach, this document is in three parts and includes our Regulatory Impact Assessment (RIA), Welsh Language Impact Assessment and Equalities Impact Assessment.
- 1.3. A Regulatory Impact Assessment (RIA) is an assessment of the likely impacts of our regulatory activity. We must carry out our regulatory activities in a way that is transparent, accountable, proportionate, targeted and consistent, and have regard to government policy as directed by Welsh Ministers.
- 1.4. Through our RIA, we demonstrate that we are regulating in accordance with our principal aims, and the eight matters we must have regard to, as outlined in the Qualifications Wales Act (2015)¹, as well as in line with the principles of better regulation² and HM Treasury guidance.
- 1.5. We have undertaken an integrated impact assessment on the main proposals we have set out in the consultation. On balance, we have assessed that the potential benefits of the proposed changes outweigh the disbenefits. As such, we believe that what we are proposing is the right course of action and is proportionate.
- 1.6. It is important to note that the strategic nature of the proposals means that there will be more detailed work to follow after this consultation. We will continue to develop our RIA as we refine and develop our approach.
- 1.7. We have included questions in the main consultation document on the impacts we have identified, and we welcome feedback on them.

¹ <http://www.legislation.gov.uk/anaw/2015/5/contents/enacted>

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735587/better-regulation-framework-guidance-2018.pdf

2. Methods and Sources

- 2.1. We have drawn on many sources of evidence to undertake this impact assessment. We considered the impact of our proposed approach throughout the process of developing our consultation – Qualified for the future.
- 2.2. In terms of data, we have used QiW³, our qualifications database, the Lifelong Learning Wales Record (LLWR) and the Pupil Level Annual Census (PLASC) to identify the potential impact on the level of activity for relevant qualifications.
- 2.3. The following list provides a breakdown of the main activities we have completed:
 - desk-based research including literature review;
 - qualitative research (interviews) with stakeholders;
 - meetings with stakeholders, including Welsh Government officials working on the impact assessment of the new curriculum in order to agree the scope (see Section 3: Scope of the Impact Assessment);
 - data collection and analysis of provision and take-up of existing qualifications that are available to 16-year-olds;
 - internal workshops to:
 - develop and appraise policy options;
 - identify likely impacts on potentially affected groups, and
 - assess the impact of not taking any action.
 - analysis of data collected from our early engagement with stakeholders from across Wales, including teaching staff, school and college leaders, regional education consortia, local authorities, Welsh Government and Estyn.

³ <https://www.qiw.wales/>

3. Scope of the Impact Assessment

- 3.1. This impact assessment only addresses the proposals that are included in the consultation document:
- Establishing a set of principles to shape how we will decide which qualifications taken at 16 are eligible for public funding.
 - Redesigning GCSEs so that they form a central part of the qualification offer for 16-year-old learners in Wales.
 - Including a specific qualification that supports the development and assessment of the wider skills defined in the new curriculum, as part of the qualification offer.
- 3.2. Any decisions taken by Welsh Government, Estyn and other key decision makers are outside the scope of this assessment. These include, for example, decisions relating to the design, structure and content of the new curriculum, and any new school evaluation and improvement (accountability) arrangements.
- 3.3. As we review what qualifications will need to be available for 16-year-olds in the future, we will also continue to carry out a range of core regulatory activities. For example, we will still carry out our monitoring and audit activities across all recognised awarding bodies and the range of qualifications that they offer. We consider these regulatory activities to be business as usual and therefore do not form part of this assessment.
- 3.4. Following the outcome of this first consultation, we will do further work to develop more detailed proposals. These include:
- which subject areas should form part of the overall qualification offer;
 - the design requirements of future qualifications;
 - proposals for qualifications to support a single continuum for Welsh language teaching and learning;
 - proposals on how to assess the 'wider skills' defined in the new curriculum; and
 - the regulatory requirements that will be needed to put our vision and principles into practice.
- 3.5. As we develop these more detailed proposals, we will continue to assess their likely impact, as appropriate.

4. Regulatory Impact Assessment

- 4.1. As a public body, we are required to assess the likely impact, both positive and negative, of regulatory decisions we take. As part of this assessment, we must consider a range of options, including an assessment of not taking any regulatory action (“do nothing”).
- 4.2. This following section sets out the options that have been assessed in considering whether or not we should make any changes in response to the new curriculum. These options are outlined below.
- **Option 1:** Do nothing – this means retaining our existing regulatory arrangements relating to qualifications taken by 16-year-olds in Wales.
 - **Option 2:** Introduce proposals aimed at shaping the future qualification offer for 16-year-olds in Wales.

We also consider the likely impacts, both positive and negative, of these options.

- 4.3. It is important to acknowledge from the outset that if we were to do nothing, this would not necessarily mean that everything would remain the same. There are external factors that would mean qualifications and the Welsh qualification system would continue to evolve, even if we did not take any specific regulatory action in response to the new curriculum. These could include:
- awarding bodies introducing new qualifications, updating existing qualifications and/or withdrawing qualifications from the qualifications market;
 - policy changes in Wales and elsewhere could result in changes being made to qualifications by awarding bodies;
 - changes made to qualifications in line with our requirements for each awarding body to review, and enhance where necessary, its approach to the development of qualifications, to assure itself that its approach remains at all times appropriate; and
 - qualifications being developed and introduced into the system in response to the findings of our sector reviews.

Option 1: Do Nothing

- 4.4. The option of doing nothing would mean that our approach to regulating qualifications typically taken by 16-year-olds would remain the same. Therefore, no changes to design requirements would be introduced and the present regulatory arrangements would continue.
- 4.5. There are advantages and disadvantages associated with making no changes to the current qualification offer for 16-year-olds in Wales. These are outlined below.

Advantages

- 4.6. The introduction of the new curriculum will mean a significant and prolonged period of change and adjustment for centres. A potential benefit of doing nothing would be to allow some continuity in the education system at this time of significant change.
- 4.7. Doing nothing would also give teaching staff time to familiarise themselves with the demands of the new curriculum, and to evolve their teaching and learning practices accordingly. By contrast, the development of a new qualification title could detract teacher time and resources from the new curriculum.
- 4.8. Additionally, doing nothing would provide a consistent measure of the new curriculum (in the form of current qualifications) and provide a mechanism for evaluating whether changes in curriculum and teaching approaches actually make a difference to educational standards in Wales.
- 4.9. GCSE qualifications are currently well understood, valued and respected by employers, educational institutions and learners. Taking no action would mean that these qualifications would continue to provide a reliable indication of a learner's knowledge, skills and understanding to these stakeholders. Whereas making major changes to existing qualifications would likely require time to gain the understanding and confidence of all stakeholders in the qualifications system.

Disadvantages

- 4.10. There are a number of disadvantages associated with the 'do nothing' option. Principally, if no changes are made to qualifications taken by 16-year-olds, then there is a risk that current thinking and practice within the education system remain unchanged. This in turn could hinder and impede the full implementation of the curriculum by practitioners, thereby undermining its aims and purposes. This could result in a lack of alignment between intended learning outcomes, teaching strategies, methods of assessment and assessment criteria.

- 4.11. Well-established qualifications bring with them many assumptions and behaviours related to how they operate and feature in the education system. Making no changes to these qualifications could inhibit a centre's appetite or ability to make full use of the flexibility offered by the new curriculum.
- 4.12. Subsidiarity has been central to developing the new curriculum with teachers being involved in co-constructing the curriculum. There is a risk that the 'do nothing' option for qualifications would be perceived to be at odds with the ethos of subsidiarity adopted in the curriculum development process.

Conclusion

- 4.13 As a result of undertaking this impact assessment, we are satisfied that doing nothing is not a viable option. We are therefore of the view that there is a case for change.

Option 2: Introduce proposals aimed at shaping the future qualification offer for 16-year-olds in Wales (preferred option)

Proposal 1: Establishing a set of principles to shape how we will decide which qualifications taken at 16 are eligible for public funding

- 4.14 We are proposing to take a principle-based, targeted approach to determining which qualifications taken by 16-year-olds should be made eligible for public funding in future. A key benefit of this approach is that it would ensure that the rationale for our decisions are consistent, transparent and based on robust, agreed principles.
- 4.15 One of the key aims of this proposal is to ensure that qualifications effectively support the aims and purposes of the new curriculum. This does not mean that qualifications should define, or unduly influence the curriculum or learning experiences between the ages of 14-16. It means qualifications should complement, inform, reinforce and support the teaching and learning system in Wales.
- 4.16 While qualifications clearly have a significant influence over what is taught, we want to ensure that qualifications taken by 16-year-olds clearly relate to, and support, the purposes of the new curriculum. One benefit of taking this approach would be the ability to design qualifications in such a way as to promote positive and engaging teaching and learning experiences. This in turn could have positive impacts on how centres put the new curriculum into practice.
- 4.17 One likely impact of introducing a principle that all qualifications taken by 16-year-olds should support the aims and purposes of the curriculum is that it may lead to the removal of qualifications that are less relevant from the offer. This could be perceived as both a positive and negative impact.
- 4.18 Establishing a principle relating to the availability of bilingual Designated qualifications would mean that we move away from our permissive approach of encouragement to a more proactive one where we would require these qualifications to be available bilingually in future.
- 4.19 This is likely to have a positive impact on learners as there would be a more equitable balance of Welsh and English medium provision than is currently the case. It would additionally help support the Welsh Government policy aim of having one million Welsh speakers by 2050⁴.

⁴ <https://gov.wales/sites/default/files/publications/2018-12/cymraeg-2050-welsh-language-strategy.pdf>

- 4.20 As of 31 August 2018, there were 2,083 qualifications which were eligible for public funding and available to 16-year-old learners⁵. Whilst this potentially provides a wide range of choice for learners and could be viewed as positive, it also makes the qualifications landscape for 16-year-olds in Wales quite complex, with many qualifications overlapping with or duplicating each other.
- 4.21 Centres cannot be expected to offer all these qualifications and therefore the range of qualifications that are actually available to individual learners is far fewer than this overall number suggests. Through this impact assessment, we have established that many of these qualifications are either used by very few learners or no learners at all.
- 4.22 Table 1 below shows that in 2017-18, of the 2,083 qualifications available for 16-year-old learners which were eligible for public funding, 1,462 (70.2%) had no entries, and a further 196 (9.4%) had between one and five entries, inclusive⁶.

Table 1: Number of qualifications classified by number of completions by learners in Year 11 in 2017-2018

Number of learner completions	Number of Qualifications		
	Approved Qualifications	Designated Qualifications	Total
0	106	1,356	1,462
1-5	18	178	196
>6	26	399	425
Total	150	1,933	2,083

Source: Qualifications in Wales database, WEDPLASC data, as of 31 August 2018

- 4.23 The qualifications available to 16-year-olds change regularly as many reach the end of their lifecycle, with new or updated qualifications replacing them. For example, of the 1,933 Designated qualifications that were available in 2017-18, 580 of these will be withdrawn by awarding bodies before, or during, this programme of reviewing qualifications for 16-year-olds. Similarly, there is a possibility that other qualifications will be extended, replaced by similar qualifications, or removed altogether where there is no demand for them.

⁵ Calculated from the Qualifications in Wales (QiW) database. Data extracted 31 August 2018. Calculated by a qualification having either 'Approval' or 'Designation' in the 'Review Type' variable and having '-16' in the 'Age Range' variable (not necessarily the only age range in this variable).

⁶The data source is the Welsh Government WED-PLASC data for the 2017-18 academic year for Year 11 learners. These figures are counts of records where a grade was awarded, including 'U' (Unclassified), but excluding 'X' (i.e. did not sit or missing grade data, blank/incomplete record).

- 4.24 Between 2017 and 2019, the number of Designated qualifications available has fallen from 1,933 to 1,496 and it is likely that these numbers will continue to fall. However, by applying our proposed principles we will be able to more pro-actively curate and manage the overall qualification offer than is possible by simply relying on market forces.
- 4.25 Although there are clear benefits to our proposed approach of making the range of qualifications for 16-year-olds more streamlined, coherent, simpler to understand and easier to navigate, there may be some potential negative impacts.
- 4.26 For example, some stakeholders may perceive that reducing the overall number of qualifications available for 16-year-olds is likely to have a negative impact, as publicly funded centres and learners will have fewer qualifications from which to choose. However, as outlined above, many of these qualifications have extremely low numbers, or no entries at all, which suggests that the actual impact on most learners would be minimal.
- 4.27 However, in creating a more streamlined and coherent offer, we are alert to the need to ensure that every learner has an equal opportunity to demonstrate their achievement through the assessment process, with no group or individual disadvantaged. For example, although the take-up of a particular qualification might be extremely low, if it was the only and/or most appropriate qualification to meet the needs of a particular group of learners, or in a niche sector area that was of value to the Welsh economy, then the impact could be more significant.
- 4.28 Therefore, as we develop our approach to determining the future range of qualifications that should be eligible for public funding for 16-year-old learners, we will consider the impact of our decisions on all learners, and carefully consider the purposes of those qualifications.
- 4.29 The data suggests that learner numbers are spread across a wide range of qualifications. This could sometimes result in awarding bodies competing for learners on similar qualifications, which in turn, can be challenging for awarding bodies, both financially and operationally.
- 4.30 If we were to reduce the number of publicly funded qualifications, this could potentially impact on some awarding bodies' fee income. We believe that the overall impact would be low as around 1,880 of the 2,083 qualifications had very few or no certifications. However, we are also mindful that if a qualification with a high volume of certifications was to be withdrawn or revoked by us, then this could impact on the income generated by an awarding body, and on learners taking that qualification.

Conclusion

- 4.31 In conclusion, we believe that the identified positive impacts of our proposal outweigh the option of doing nothing.
- 4.32 Our proposed approach will help to secure a more streamlined, coherent range of qualifications. It will also make qualifications more viable to awarding bodies and provide greater value for money to centres.
- 4.33 Taking no regulatory action to shape the future qualification offer would not address the issues we have identified as part of this impact assessment.
- 4.34 Doing nothing also poses a risk that qualifications taken by 16-year-olds do not effectively support the purposes of the new curriculum. Similarly, doing nothing would not secure alignment between intended learning outcomes, teaching strategies, methods of assessment and assessment criteria.
- 4.35 In considering the availability of qualifications through the medium of Welsh, doing nothing would not secure the increase we wish to see, nor support the step change that is required to achieve Welsh Government's national priorities.

Proposal 2: Redesigned GCSEs should form a central part of the qualification offer for 16-year-old learners in Wales

- 4.36 We know that the value and currency of qualifications are largely dependent on the extent to which they are understood and widely recognised. Stakeholders, including further education colleges, universities and employers understand the level of knowledge, skill and experience that can be expected of an individual that has achieved a GCSE (General Certificate of Secondary Education). Entry requirements for further study and employment are often described in these terms.
- 4.37 Retaining the GCSE name as a central part of the qualifications offer for 16-year-old learners in Wales offers a number of advantages which are outlined below.
- 4.38 The GCSE name clearly indicates that the qualification is aligned with secondary education. This can aid understanding of the expected level of knowledge, skills and experience, particularly internationally. This will help to ensure that clear progression pathways are available to learners in future.
- 4.39 There is considerable flexibility and potential afforded by the GCSE name. Retaining the name would still permit changes to be made to the content, structure and assessment of these qualifications to support the new curriculum and also enable us to respond to changing needs over time. For example, this could include extending the use of e-assessment or increasing the use of projects that reflect real-life scenarios within particular GCSE qualifications.
- 4.40 Retaining the GCSE name avoids the need for us to develop a whole new qualification type, which could potentially incur significant cost across the qualification system without realising any real benefits. The risks and challenges in moving away from the valued and recognised GCSE name could also be seen as an unnecessary distraction from the important work of ensuring that the qualifications themselves are right for learners.
- 4.41 Although there are many advantages to retaining the GCSE name, one potential negative impact for learners and publicly funded centres is the perception that little, if anything, would have changed in the qualification offer due to the brand name remaining the same.
- 4.42 Similarly, we are aware that GCSE qualifications bring with them many assumptions and behaviours related to how these qualifications currently operate and feature in

the education system. There is a risk that retaining the GCSE name could inhibit a school's appetite or ability to make full use of the flexibility offered by the new curriculum.

4.43 However, we believe that clear and effective communication about how these qualifications will be different in future could help to mitigate these potential negative impacts.

Alternative options

4.44 In developing this proposal, we also considered a more radical approach, namely developing a bespoke suite of qualifications for Wales, and replacing the GCSE name with an altogether different title.

4.45 One benefit of taking such an approach is that it offers the potential to consider some of the fundamentals of the qualification system. These include:

- how learners' achievements and experiences are reported;
- when learners start studying for these qualifications;
- how much time they would typically spend doing so;
- how qualifications are assessed; and
- whether qualifications could be restructured to enable combinations of different modules from different subject areas to form one qualification.

However, for the reasons outlined below, we feel this option is less desirable.

4.46 It is important to acknowledge that taking such an approach would be a significant change with potential far-reaching consequences across the education system. The new curriculum will need time to embed in centres, and teaching and learning will need to evolve. As such, we see no indication of a need for such a radical overhaul of all the main qualifications taken by 16-year-old learners in Wales at this stage. Additionally, we do not believe it to be appropriate to consider such a radical change until the implications of the new curriculum are further understood.

4.47 Replacing qualifications with the GCSE name with a new, bespoke suite of qualifications also carries some significant risks. This includes the need for a lengthy and sustained large-scale communication effort for colleges, universities and employers to become familiar with, understand and more importantly have confidence in the new qualifications.

4.48 Additionally, if GCSE qualifications were replaced, then learners could be disadvantaged by a lack of understanding and confidence until the new qualifications

are fully embedded which could take many years. There would also be challenges in setting and maintaining standards for a new bespoke suite of qualifications and enabling consistency and comparability with current qualifications.

Conclusion

4.49 Having undertaken this impact assessment, we believe that the benefits of retaining the GCSE name, and redesigning these qualifications to ensure that they support the aims and purposes of the new curriculum significantly outweigh those identified with taking an alternative, more radical approach. In addition to the educational benefits of retaining the GCSE name, there are significant cost benefits to this approach when compared to designing a new bespoke suite of qualifications.

Proposal 3: A specific qualification that supports the development and assessment of the wider skills defined in the new curriculum for Wales is part of the qualification offer for 16-year-olds.

4.50 The new curriculum refers to the importance of the 'wider skills'⁷ of

- critical thinking and problem solving;
- planning and organising;
- creativity and innovation; and
- personal effectiveness.

4.51 These skills are currently assessed in the Skills Challenge Certificate⁸, which nearly all 16-year-old learners in Wales study.

4.52 Retaining a specific qualification that supports the development and assessment of these skills would ensure that young people have appropriate opportunities to develop these skills up to the age of 16.

4.53 We have recently reviewed the Skills Challenge Certificate and found that it is a worthwhile qualification that gives learners valuable opportunities to gain real-life skills and to develop their interests by choosing areas of study which are relevant to them⁹.

4.54 Both learners and teachers were positive about the principles of the Skills Challenge Certificate and the wider skills were viewed as valuable for future employability and further study. Furthermore, the reasonable requirements of employers and promoting sustainable growth in the Welsh economy form part of our eight matters that we are required to have regard to in our Act. Therefore, given how the Skills Challenge Certificate complements the wider skills of the new curriculum, we believe that there are many advantages to redesigning this qualification to form part of the future qualification offer for 16-year-olds.

4.55 Our review also identified aspects of the current qualification that could benefit from further development. Doing nothing with the current design of the qualification or

⁷ <https://hwb.gov.wales/draft-curriculum-for-wales-2022/a-guide-to-curriculum-for-wales-2022#other-cross-cutting-elements-and-considerations>

⁸ Further information about the current Skills Challenge Certificate is available here: https://www.wjec.co.uk/qualifications/welsh-baccalaureate/welsh-bacc-from-2015/ks4-national-foundation/Welsh%20Bacc%20Specification%20KS4%2028%2010%2014%20-%20Branded..pdf?language_id=1

⁹ <https://www.qualificationswales.org/english/publications/review-of-the-skills-challenge-certificate---welsh-baccalaureate-report/>

removing a specific qualification from the overall offer would not address these issues.

- 4.56 Redesigning the Skills Challenge Certificate would allow us to address these aspects, including considering how the design and assessment model could be simpler and more reliable, whilst also being manageable and engaging for learners.
- 4.57 A redesign would also provide us with the opportunity to ensure that this qualification supports the aims and purposes of the new curriculum, particularly the wider skills that will be necessary to prepare learners for modern life and the workplace.
- 4.58 We are aware that the redesign of any qualification requires significant investment from awarding bodies. Until the extent to which the qualification will need to be redesigned is agreed, it is not possible to calculate the costs that will be incurred as part of this investment.
- 4.59 We do not anticipate that these costs would be greater than those incurred by redesigning qualifications similar in type and purpose. Additionally, the costs of the redesign of the qualification can be recovered over its lifetime, thereby mitigating this impact. We will continue to consider the likely impact as we further develop our proposals for the redesign of this qualification.
- 4.60 We are also mindful of the fact that when redesigning a qualification, specific consideration needs to be given to ensure that fairness in the qualification is maintained over time. However, this is something that awarding bodies are used to managing and are required to control. In redesigning this specific qualification, we would work alongside relevant awarding bodies to ensure that appropriate mitigating measures are in place.
- 4.61 We have also considered the time and cost commitment that would be required from centres and teachers if a new or redesigned qualification was implemented.
- 4.62 To mitigate these potential negative impacts, we are committed to working with relevant awarding bodies to ensure that appropriate training is made available and would aim to make the specification available well in advance of the implementation date.
- 4.63 We will also develop any detailed proposals alongside stakeholders, including teachers, to understand the impact on teaching and learning, and will work with these stakeholders to clearly communicate changes.

Alternative options for the development and assessment of the wider skills defined in the new curriculum

4.64 When developing our preferred option, we also considered the following options. However, for the reasons outlined below, we feel these are less desirable.

Option A - Wider skills defined in the new curriculum are not a feature of qualifications for 16-year-old learners

4.65 The purposes of the new curriculum for Wales can be encapsulated in preparing children and young people for learning, life and work, both now and in the future. A crucial part of this is the development of the wider skills defined in the new curriculum; namely critical thinking and problem solving, creativity and innovation, planning and organisation and personal effectiveness.

4.66 To ensure that young people have appropriate opportunities to develop these skills up to the age of 16, they should form a part of the qualification offer. If they do not feature in qualifications, there is a risk that the teaching and learning of these skills is deprioritised in favour of learning and experiences that are required for the qualifications that learners are preparing for. In other words, including the development of these skills in a specific qualification will help to ensure that the appropriate amount of time and coverage is given to them as learners progress along their own learning journey towards the four purposes of the curriculum.

Option B - Wider skills in the new curriculum are embedded in other qualifications, rather than being developed and assessed through a specific qualification.

4.67 One key merit of taking such an approach would be that it would encourage and support the integration of these wider skills across the six Areas of Learning and Experience (AoLEs) that the curriculum is organised around.

4.68 Taking this approach would also free up curriculum time to allow learners to pursue other qualifications or educational experiences within the school timetable.

4.69 However, as outlined above in the rationale for our preferred option, our recent review of the Skills Challenge Certificate found that there is support from teachers, learners and other stakeholders for a qualification that develops and assesses these skills. Employers consistently say that young people need these skills to succeed in the workplace and they are also valued by further education colleges and universities.

- 4.70 The availability of a specific qualification enables learners to clearly evidence their experience and attainment in developing these skills, and employers have a clearer understanding of the standard they can expect.
- 4.71 Developing and assessing these skills through a specific qualification may also support teachers and learners' understanding of these skills, and the value of developing them. There is a risk that by embedding them within other qualifications, learners are not clear on what skills they are developing and when.
- 4.72 Although our review of the Skills Challenge Certificate identified a need to improve training opportunities for teachers, those who participated in the review felt that they were becoming more confident in delivering the qualification. The existence of a qualification that develops and assesses wider skills will enable some teachers to continue to focus on this qualification, and further develop their skills and confidence in delivering it. If it were to be embedded into other qualifications, there is a risk that not all teachers would be ready to deliver the required teaching and assess these skills to the same standard.
- 4.73 One of the identified strengths of the Skills Challenge Certificate is that it enables learners to develop these skills through studying topics that are personally relevant to them. This would be harder to maintain if the skills were developed as part of other qualifications.
- 4.74 Furthermore, having a qualification that assesses the wider skills in the curriculum reflects their importance. Not having a qualification that addresses these wider skills would therefore be a missed opportunity.
- 4.75 Finally, it is also important to remember that not all learners will be taking the same range or types of qualifications at 16. It will therefore be difficult to ensure a consistent approach to developing these skills across qualifications. This could lead to inconsistencies in the skills that learners acquire.

Conclusion

- 4.76 In conclusion, we believe that the benefits of redesigning the Skills Challenge Certificate as a specific qualification that supports the development and assessment of these wider skills outweighs the likely impacts of taking a 'do nothing' approach, or indeed the alternative options identified above.

5. Welsh Language Impact Assessment

- 5.1 The 1993 Welsh Language Act established the requirement for public sector bodies to prepare Welsh Language Schemes and deliver Welsh-language services. This was followed in 2011 with the introduction of the Welsh Language (Wales) Measure¹⁰.
- 5.2 This Measure gave the Welsh language official status in Wales and introduced duties on bodies to use the Welsh language as described in the Welsh Language Standards. It also introduced the principle that Welsh must be treated no less favourably than English.
- 5.3 In considering what is appropriate for the purpose of achieving our principal aims, we must have regard to the desirability of promoting and facilitating the use of the Welsh language, (including through the availability of assessment through the medium of the Welsh language) and of qualifications that otherwise promote or facilitate the use of the Welsh language.
- 5.4 In line with our Welsh Language Scheme¹¹ and commitment to the Welsh language, we assess the potential impact (both positive and negative) of our regulatory decisions on the Welsh language.
- 5.5 In this section we consider the implications that our proposals may have on the Welsh language. Through our consultation, we will seek to engage with Welsh speakers (including learners) and encourage all respondents to provide feedback on our assessment.
- 5.6 In this consultation, we have set out our commitment to maximise the availability of qualifications for 16-year-old learners in both Welsh and English. We propose to do this by moving from our current approach of encouragement to requiring these qualifications to be available bilingually in future.
- 5.7 We believe these proposals will have a positive impact on the Welsh language, for the following reasons:
 - the vision we have set out for qualifications taken by 16-year-olds will secure an equitable, coherent, and bilingual choice;
 - we will continue to require all future qualifications developed specifically for Wales to be available through the medium of Welsh and English; and

¹⁰ <http://www.legislation.gov.uk/mwa/2011/1/contents/enacted>

¹¹ <https://www.qualificationswales.org/english/publications/qualifications-wales-welsh-language-scheme-july-2019/>

- adopting a principle that requires qualifications taken by 16-year olds to be available bilingually in future will contribute to Welsh Government's policy of increasing the number of Welsh speakers in Wales by 2050.

5.8 We have not identified any likely negative impacts for the Welsh language from the proposals contained within this consultation document. However, there could be a negative impact on the number of publicly funded qualifications available to 16-year-olds if some awarding bodies are unwilling or unable to make their qualifications available through the medium of Welsh.

6. Equalities Impact Assessment

- 6.1 As a public body, we have a duty under the Equality Act 2010¹² to have due regard when carrying out our functions to eliminate unlawful discrimination, particularly against those who share a protected characteristic.
- 6.2 This duty requires us to have due regard to the need to:
- (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
 - (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.3 The purpose of this assessment is to identify whether the proposals are likely to have any impact (positive or negative) or differing effects on different groups who share one or more of the protected characteristics identified by the Act.
- 6.4 We have considered the potential impact of the proposals included in this consultation on persons who share protected characteristics under the Equality Act 2010. At this stage we have not identified any impacts of our proposals (positive or negative) on persons who share protected characteristics or suffer inequality as a result of socio-economic disadvantage, but we will continue to monitor this.
- 6.5 The principles we are proposing to establish will ensure that qualifications meet the reasonable needs of all learners – ensuring that we have an appropriate range of qualifications across a different range of levels.

¹² <http://www.legislation.gov.uk/ukpga/2010/15/contents>

7. Next Steps

- 7.1 We encourage respondents to engage with our impact assessment, to provide feedback on the impacts we have identified, and let us know if there are any others we need to consider. It is important that our proposals realise the positive impacts we wish to see and minimise any potential negative ones as much as possible.
- 7.2 As our proposals are further developed and finalised, taking into account the feedback from this consultation, we will continue to develop our impact assessment.