



# Regulatory Incident Management Policy

MAY 2017



## **Version control**

This version (2) of Qualifications Wales' Regulatory Incident Management policy was approved on 16 May 2017 by the Qualifications Wales Board.

Qualifications Wales will keep policy statements under review and, if it considers appropriate in consequence of a review, prepare revised statements. Qualifications Wales will review this document at least every four 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 2021. Feedback on this policy is welcomed at any time. Please send your comments to [policy@qualificationswales.org](mailto:policy@qualificationswales.org).

## **General Principles of the Regulatory Incidents Management Policy**

Section 47(1) of the Qualifications Wales Act 2015 (the Act<sup>1</sup>) requires Qualifications Wales to publish a statement of its policy with respect to enforcement.

The aim of this procedure is to identify the protocols and processes for managing regulatory incidents within Qualifications Wales.

This procedure is for anyone who wishes to notify Qualifications Wales of a regulatory incident so that they are clear on the initial procedure to manage this process. A regulatory incident can be described as any action or event which has or may yet occur and which has or may have the potential to cause an adverse effect for learners or the awarding body. A regulatory incident may therefore take the form of, but is not limited to, a breach in any of the Standard Conditions of Recognition (or other regulatory document), a security breach, the discovery of errors within a qualification or assessment materials, issues regarding the awarding of a qualification, or any other event which has the potential to cause an adverse effect.

This procedure deals with regulatory incidents that occur or are in relation to the ability of an awarding body or centre in being able to design, deliver or award its qualifications to regulatory standards. This procedure does not cover corporate incident management such as staff illness or facilities management. Nor does the procedure cover incidents that are not in relation to Qualifications Wales' role regulating awarding bodies and qualifications, as outlined in the Qualifications Wales Act (2015)<sup>1</sup>.

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

## First Steps

1. An awarding body should always notify Qualifications Wales when a regulatory incident, or the potential for a regulatory incident, has been identified, in accordance with condition B3.1 of the Standard Conditions of Recognition<sup>2</sup>. Failure to notify Qualifications Wales of a known regulatory incident may lead to regulatory action being taken against the awarding body. We would expect that the awarding body also investigate the incident thoroughly using their own incident management processes.

To notify Qualifications Wales of a regulatory incident, please email: [incidents@qualificationswales.org](mailto:incidents@qualificationswales.org)

2. A notification should include information on the following:
  - the date on which you became aware of the incident,
  - the nature of the incident,
  - the qualifications affected,
  - the number of centres in Wales affected,
  - the number of learners in Wales affected<sup>3</sup>,
  - details of any actions taken at present,
  - details of and a proposed timescale for any planned future actions,
  - a proposal for when Qualifications Wales will next be updated on the incident.
3. Upon receipt of the incident notification, Qualifications Wales will send an acknowledgement of receipt within 5 working days, and will then assess each regulatory incident on a case by case basis in order to determine whether the timing and the impact of the incident will require only internal investigation by the awarding bodies, or whether further escalation by Qualifications Wales is required.

## Regulatory Incident Management

4. The implementation of this procedure, and the determination that an incident has or is likely to occur, will be made in the first instance by a member of the Monitoring and Compliance Incident Management Team. The majority of incidents will be dealt with by the Monitoring and Compliance Incident Management Team, comprising:
  - Head of Monitoring and Compliance,
  - Qualifications Manager,
  - Qualifications Officer.

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<sup>2</sup> <http://qualificationswales.org/media/1608/160303-v3-0-interim-standard-conditions-of-recognition-final.pdf> - B3.1: An awarding organisation must promptly notify Qualifications Wales when it has cause to believe that any event has occurred or is likely to occur which could have an adverse effect.

<sup>3</sup> 'learners in Wales' are considered as being those learners who undertake the majority of the assessment for their qualification within Wales.

5. If further escalation is required, the Head of Monitoring and Compliance will assess the notification and determine the level of escalation. In the most severe cases a member of the Executive may take responsibility for managing the incident including determining the course of action to be taken. In such cases, additional members may be included in the response team – for example, Associate Directors, the Head of Communication, and any other staff as required.
6. At receipt of the initial incident notification the Incident Management Team will assess the scale of the incident and the likely scale of the regulatory response. The Team will determine:
  - whether an incident has occurred or will occur,
  - the nature of the response and activities required,
  - the management of business as usual activities,
  - the involvement and engagement of other parties such as awarding bodies, other regulators and Welsh Government.
7. An initial response to the incident notification will be sent by the Incident Management Team within 10 working days. Throughout the incident, other Qualifications Wales staff may be involved to support and assist those involved in the incident through logistical, administration or other flexible support. This may include providing logistical or expert support to activities being undertaken in relation to the incident.
8. As the assessment or review of the incident progresses, Qualifications Wales may require information or evidence to be presented by the awarding body, or other relevant stakeholders. Where such information or evidence has been requested, awarding bodies and other stakeholders are to ensure that the material requested is provided promptly and in full; any delay in returning these materials may result in the inability to conclude an assessment or investigation into the incident in an expedient manner, and further action may be required.
9. Further materials may be required until such point when Qualifications Wales is satisfied that there has been no adverse effect, or that any current or future adverse effect has been mitigated against to the best ability of the relevant stakeholders.

## **Communication**

10. In cases where there is media attention, or the potential for media involvement, the Qualifications Wales Communications Team will be involved. In such instances the Incident Management Team will involve the Communications Team at the earliest opportunity. The Head of Communications may be

required as appropriate to prepare and issue media lines, or to devise and implement an internal and external communication strategy.

11. In the majority of incidents, the Head of Monitoring and Compliance will retain ownership of the management; in severe incidents the Executive Director of Regulation may provide updates to the Chief Executive, who may engage with the Chair and, where deemed necessary, keep Board members informed.
12. The Incident Management Team will determine how communication with any directly affected awarding bodies will take place, and will be the point of contact for all stakeholders to provide information to, or to ask queries of while the incident is ongoing.

### **Completion of the Incident**

13. An incident will be deemed as being completed or resolved only when Qualifications Wales assesses it to be so. This will be when Qualifications Wales is satisfied that no adverse effect has occurred or may occur; or where an adverse effect has occurred, that all relevant stakeholders have mitigated against the effect to their best ability and no further action is required. The Incident Management Team will then contact the relevant awarding body and notify them of the closure of the incident case record.
14. After the incident has been resolved a final Incident Management Team meeting may take place to identify any lessons learnt or to discuss best practice. In more high-profile cases a member of the Executive may also be involved. The team will finalise any activities in relation to the incident. It will also make recommendations for any subsequent actions such as undertaking lessons learnt or taking action against an awarding body, and these may be followed up in future monitoring activities. We would also expect the awarding body undertake its own lessons learnt exercise, and implement any recommendations as swiftly as possible – this may be monitored as part of the Incident Management process, or within a future monitoring activity to be conducted by the Monitoring and Compliance Team.