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Foreword

In September 2015, when Qualifications Wales was first established, we took the pragmatic decision to adopt as our Standard Conditions of Recognition the Conditions that had previously been used by Welsh Government. This decision was made to minimise the impact upon awarding bodies and to allow us the time to consider how we might develop Conditions for the future.

We identified the need to look at the Conditions as an early priority, recognising that they were not always as clear as they might be and that there had not been a holistic review since their original implementation. During our project to develop our Regulatory Framework and Approach, awarding bodies told us that they wanted us to review the Conditions and so we did so. We have now completed our review - this report outlines the key findings and the next steps.

We set out, with the help of awarding bodies, FAB and JCQ, to understand how we might develop our Conditions to be clear and unambiguous. One of the early messages from those involved was that developing a different set of Conditions for Wales could add to the workload of awarding bodies and may be a cause for confusion. I am pleased, therefore, that Ofqual and CCEA Regulation have participated in our review and that we have agreed to collaborate on revisions to Conditions, in order to align as much as possible.

The review has shown that there are areas where improvements can be made to enhance clarity and understanding, and we set out how we will take proposals for change forward. This review would not have been possible without the commitment of those involved, particularly colleagues from awarding bodies who have given freely of their time. I would like to take this opportunity to thank them and colleagues from Ofqual and CCEA Regulation who have helped us with our review.

Philip Blaker
Chief Executive
October 2018
Executive Summary

1. Qualifications Wales ("we") took the decision to review our Regulatory Framework and Approach in 2016/17. The project aimed to identify whether our approach was effective and appropriate.

2. As part of this project, awarding bodies suggested that a review was due on the Standard Conditions of Recognition ("Conditions") and there was a consensus that they had become too prescriptive, too lengthy and were not transparent. The Conditions were also perceived by awarding bodies to limit innovation rather than enable it.

3. Furthermore, the Conditions were originally introduced in 2011 and had not been holistically reviewed since then. We therefore reviewed the Conditions between autumn 2017 and summer 2018.

4. We used multiple methods of data collection as part of the review and sought views from a wide range of stakeholders and engaged with all recognised awarding bodies and their membership bodies.

5. Data from all the evidence above has been collated and analysed to draw together themes which have informed the findings of our review.

6. From the very outset, we engaged with our fellow regulators, both Ofqual and CCEA Regulation. Both attended the stakeholder panels where we discussed each Condition with awarding bodies and as our review progressed, we met more frequently with Ofqual and CCEA Regulation to update them on the review.

7. This report is a summary of the findings from Qualifications Wales’ review and when ‘we’ or ‘us’ is used throughout the document, this should be read as Qualifications Wales and not other regulators.

8. Having completed our review of the Standard Conditions of Recognition, we have concluded that:

   • awarding bodies wished to see revisions across the Conditions;
   • awarding bodies preferred for these revisions to be aligned across three regulators as much as reasonably possible;
   • whilst revisions were suggested across the Conditions, the review has also highlighted that in some cases other forms of clarification or guidance and support would be helpful.
9. For the findings of our review, please see Chapter 5 of this report.

10. At the outset, we said that we would consult on any revisions to our Conditions this autumn, with a view to publishing a revised version of the Conditions in Spring 2019, for them to be effective from September 2019.

11. In August this year, Qualifications Wales, CCEA Regulation and Ofqual agreed joint working arrangements with the aim of aligning revisions across three sets of Conditions as much as possible. Our fellow regulators will bring their own views, analysis and perspectives on potential further revisions to the Conditions. Where we draw the same conclusions, we are committed to working together to align revisions as much as reasonably possible.

12. In light of the decision to consider revisions as three-regulators, the aim is to consult together from April 2019. Following the consultation, all three regulators will consider the responses and subsequently agree on revisions and areas for divergence where this is appropriate.

13. Our review has also highlighted the need for guidance and various forms of additional support and forms of clarification for awarding bodies.

14. We recognise that awarding bodies will need some time to consider the revisions and plan for implementing them and therefore we will provide sufficient time to roll out the Conditions.

15. We currently aim to publish our revised Conditions in October 2019, to become effective from April 2020 and will carry out a programme of support and guidance for awarding bodies during the roll out of any revised Conditions.
Chapter 1: Background to the Review

16. The Conditions are the rules and regulations that all recognised awarding bodies and their regulated qualifications must meet when offering qualifications in Wales.

17. They were originally introduced in Wales in 2011 and were transferred over from Welsh Government’s General Conditions of Recognition when Qualifications Wales (“we”) took up our functions in autumn 2015.

18. The current Conditions are very closely aligned to the General Conditions of Recognition used by the Office of Qualifications and Examinations Regulation (Ofqual) in England and Council for the Curriculum, Examinations and Assessment (CCEA Regulation) in Northern Ireland. However, there are examples where legislative provisions in respective jurisdictions and national contexts will lead to divergence.

19. The Conditions are separated into two parts, and ten sections:
   - part 1 addresses organisational requirements; and
   - part 2 addresses the requirements that apply to an awarding body as it designs, develops and awards regulated qualifications.

20. The Conditions set out in Sections A to C relate to the awarding body as a whole: how it is governed, its relationship with the regulator and with third parties.

21. Sections D to I outline our general expectations for regulated qualifications; the features of qualification design, how an awarding body should design and deliver assessments, the level of fee information that is available to purchasers and requirements relating to post-results services.

22. Section J provides detail as to how the rules of interpretation and defined terms shall apply to the Conditions.

23. Each Condition is intended to be sufficiently flexible to apply to all types of awarding bodies and qualifications we regulate. Where Conditions do not apply, we will clearly explain this to the relevant awarding bodies.

24. Whilst the Conditions must be complied with, they are generally not prescriptive about the ways in which an awarding body must comply. For example, where there are lists included in Conditions, these are normally intended to illustrate areas that might apply and do not limit or restrict other areas from being relevant. However, it is important to recognise that there are also examples of prescribed lists within the Conditions.
Why carry out a Review?

25. As a new organisation established in 2015, our regulatory strategy was largely adopted from Welsh Government. We took the decision to review our Regulatory Framework and Approach in 2016/17. The project aimed to identify whether our approach was effective and appropriate.

26. As part of that project, we identified a need to review our regulatory framework with regards to themes such as:
   a) prescriptiveness;
   b) accessibility, clarity, transparency; and
   c) proportionality and fairness.

27. We also decided to introduce Regulatory Outcomes which are used to describe what we want to achieve through our regulatory activities and actions, and as such outline our vision.

28. Our vision is that regulated qualifications in Wales are valued by learners and employers in Wales and internationally. To achieve this, we have established the following Regulatory Outcomes (see Figure 1 below).

Figure 1: Qualifications Wales’ Regulatory Outcomes
29. We have completed a mapping exercise to identify how the Conditions relate to our Regulatory Outcomes and will continue to keep this relationship under review to ensure that we align our agreed approach to regulation and as we develop our approach to the Conditions in the future.

30. The culmination of this project was the production of our Regulatory Framework and Approach, which was published on 10 May 2017.

31. Feedback received from awarding bodies during this project suggested that the Conditions should be reviewed as there was a perception that they had become too prescriptive, too lengthy and were not transparent. The Conditions were also perceived by awarding bodies to limit innovation rather than enable it.

32. The Conditions were originally introduced in 2011 and had not been holistically reviewed since then. We therefore launched a review of the Conditions on 30 August 2017.
Chapter 2: Aims and Objectives

Aims of the Review

33. The overarching aims of the review were to explore how clear and accessible the Conditions are for awarding bodies, while ensuring they enable us to carry out our regulatory functions. The review also aimed to ensure that the Conditions are appropriate and relevant to meeting our regulatory outcomes.

34. The scope of the review was to:
   • identify and address, where appropriate, the challenges awarding bodies face in demonstrating compliance with Conditions;
   • review the Conditions for their appropriateness and relevance;
   • consider current, emerging and future policy developments and identify changes that may be implemented as part of this review, and changes that may need a longer-term approach;
   • explore opportunities for simplifying the Conditions, focusing on issues such as clarity, levels of prescriptiveness, duplication, structure and value; and
   • identify any examples of good practice.

Purpose of Report

35. We published our first summary report on the emerging findings on Conditions A, B and C on 5 January 2018. The second report summarising our emerging findings on Conditions F, H and I was published on 6 April 2018.

36. The purpose of this third and final report is to present a comprehensive summary of the findings of our Review of the Standard Conditions of Recognition, including Conditions D, E and G.

37. The remainder of the report is structured as follows:

   • Methodology – we outline the methodology of the review;
   • Three-regulator Working – we outline how we have engaged with Ofqual and CCEA Regulation throughout our review;
   • Main Findings of the Review – we outline the findings of our review;
   • Guidance to accompany the Conditions – we outline the areas in which awarding bodies would like to receive additional guidance and/or forms of clarification to accompany the Conditions and support their ongoing compliance; and
   • Next Steps – we outline the steps we propose to take following the publication of this report.
Chapter 3: Methodology

38. The review was conducted between autumn 2017 and summer 2018.

39. The Conditions were reviewed in three tranches. Each tranche was scheduled for a period of 3-4 months, allowing us to carry out the review within a period of 12 months in total.

40. The review was organised in this way to break down the scope of the project into manageable sections. In doing so, it enabled us to focus on sections of the Conditions during each tranche.

41. Whilst the work programme for our review was broken down into tranches, we took a holistic approach to ensure that links between Conditions discussed in previous tranches were considered and addressed throughout the review. Section J, which includes the definitions of terms, was considered at each stage.

42. During the review, we used multiple methods of data collection including analysing primary sources of data and secondary sources. We also sought views from a wide range of stakeholders and engaged with all recognised awarding bodies. We also worked closely with fellow regulators and awarding body membership bodies (see Figure 2 below).

Figure 2: Types of Respondents

43. The following provides an overview of the methods we employed:
   - three online public engagement surveys;
• three Stakeholder Panels with awarding bodies, fellow qualifications’ regulators and awarding body membership organisations;
• internal review of Conditions and desk-based research;
• analysis of Statements of Compliance (SoC) and lines of enquiry reports;
• analysis of regulatory actions and interventions by Ofqual;
• three focus groups with awarding bodies, fellow qualifications regulators and awarding body membership organisations;
• engagement with schools, colleges and work-based learning providers (collectively referred to hereafter as ‘centres’) using questionnaires and focus groups;
• meetings with Federation of Awarding Bodies (FAB) and Joint Council for Qualifications (JCQ);
• regular meetings and workshops with Ofqual and CCEA Regulation; and a commissioned project to investigate the guidance and forms of clarification awarding bodies would find useful to support their ongoing compliance.

44. Data collected from all the evidence sources above have been analysed to draw together themes which have informed the findings of our review.

Online engagement survey

45. As part of the review, we sought views from all recognised awarding bodies and more widely through three online engagement surveys. These surveys were developed for respondents to provide feedback on the Conditions at various points during the review (see further details below).

<table>
<thead>
<tr>
<th>Online engagement survey</th>
<th>Engagement period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tranche 1 (Conditions A, B, C)</td>
<td>30 August 2017 – 30 September 2017</td>
</tr>
<tr>
<td>Tranche 2 (Conditions F, H, I)</td>
<td>5 December 2017 – 8 January 2018</td>
</tr>
<tr>
<td>Tranche 3 (Conditions D, E, G)</td>
<td>26 February 2018 – 21 March 2018</td>
</tr>
</tbody>
</table>

46. We encouraged responses by publicising the survey on our website, in letters to Responsible Officers of all recognised awarding bodies, in the Qualifications Wales and FAB newsletters.

47. We asked several closed questions, which were linked to each section of the Conditions, and also posed open questions, which provided opportunities for respondents to add free-text comments.

48. We received 84 responses to all online engagement surveys. These came from a wide range of awarding bodies, centres from across Wales, individuals and experts in the field of qualifications and general members of the public. Not all respondents answered every question, preferring to comment on targeted sections. All responses were collated, analysed and are included in our analysis.
Stakeholder Panel

49. To explore matters in more depth, we conducted stakeholder panels as well as a series of focus groups, to test lines of inquiry, emerging findings and potential solutions.

50. WJEC, City and Guilds and Pearson were invited as the three biggest awarding bodies with the highest certification numbers in Wales, as well as Agored Cymru as the only awarding body that is operating exclusively in Wales. We worked closely with FAB to encourage awarding bodies to volunteer in order to fill the remaining six places on the stakeholder panel. This process aimed to ensure that awarding bodies felt assured of a fair representation on the panel.

51. The panel consisted of 12 participants from awarding bodies, as well as representation from the Joint Council for Qualifications (JCQ), the Federation of Awarding Bodies (FAB), Ofqual and CCEA Regulation. A full list of the stakeholder panel membership is provided in Appendix A of this report.

52. The panel met three times during the review and explored the Conditions in detail. Panel discussions enabled us to identify and share good practice, collect data on Conditions that awarding bodies wanted to see being reviewed, assess the clarity of current wording and how Conditions were being interpreted and applied, as well as discussing possible approaches to take with any revisions to the Conditions in the future.

Focus Groups

53. We facilitated a series of focus groups with awarding bodies to test and refine early proposals for revisions, including Condition F (Providing qualifications to purchasers) and Condition I (Appeals process). Table 1 shows the locations and dates of these focus groups.

Table 1 – Locations and Dates of Focus Groups

<table>
<thead>
<tr>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birmingham</td>
<td>21 June 2018</td>
</tr>
<tr>
<td>London</td>
<td>26 June 2018</td>
</tr>
<tr>
<td>Cardiff</td>
<td>28 June 2018</td>
</tr>
</tbody>
</table>

54. The aim of these was to engage with awarding bodies in more detail on specific areas identified by the surveys and panels, and to test some early thinking on proposed revisions to Conditions. All recognised awarding bodies were invited to attend the focus groups on a first come first served basis.
55. Three focus groups were held with a wide range of awarding bodies – many of which had not been at the panels. 24 participants in all attended the focus groups - representing 22 awarding bodies, one participant from FAB and one from Ofqual.

56. A full list of focus group attendees is provided in Appendix B of this report.

Internal desk-based review

57. We carried out a desk-based review of the current Conditions and conducted internal engagement work with members of staff from Qualifications Wales who are experienced in working with the Conditions in various contexts.

58. These included staff who are responsible for monitoring awarding body compliance with the Conditions, and the recognition of awarding bodies and approval of qualifications. This was followed by detailed analysis of our findings from Statements of Compliance and recognition and approval processes.

59. We reviewed the Conditions with experienced staff in corporate governance, finance and information technology and these discussions informed our review and our approach to revisions, particularly in relation to Condition A (Governance) and Condition F (Providing qualifications to purchasers).

60. We also carried out a review of our suite of regulatory documents (see Figure 3 below) that sit alongside our Conditions. This was to ensure consistency between regulatory documents, including for example our use of defined terms. This work also identified two key points:
   • the potential impact that any of the proposed changes would have on other requirements; and
   • the need to ensure that all our Regulatory Documents are aligned with any revisions that are made in due course.
Engagement with Centres

61. As one of the main themes emerging from the review related to Condition F (Providing qualifications to purchasers), we were eager to engage with centres to hear their views.

62. In order to gather their views, we facilitated two focus groups with Examination Officers in centres and received 68 responses to our questionnaires from centres across Wales. Table 2 shows the locations and dates of these focus groups.

Table 2 – Focus Groups with Examination Officers in centres

<table>
<thead>
<tr>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caerphilly</td>
<td>3 July 2018</td>
</tr>
<tr>
<td>Newport</td>
<td>5 July 2018</td>
</tr>
</tbody>
</table>

63. We asked centres about their experiences with fees and related services. In particular, we asked how accessible fee-related information is, how they enquired about information as a potential purchaser, their views on the financial processes as well as their perceptions of value for money.
Consideration of Ofqual’s regulatory actions and interventions

64. Ofqual have taken a number of regulatory actions and interventions in relation to awarding bodies since January 2014. We reviewed these internally from November 2017 to January 2018 to see if there were patterns in non-compliance which would highlight particular Conditions to review. We also held discussions with Ofqual colleagues and gained a deeper understanding of areas that could benefit from being reviewed to aid ongoing awarding body compliance.

Notification of engagement opportunities

65. We raised awareness of the opportunities to take part in our review throughout the process. Our activities included:
   • News release: We published a news release on our website, inviting the public to respond to our online feedback form, and included this in FAB (Federation of Awarding Bodies) newsletters;
   • Social media: Our social media accounts @quals_wales / @cymwysterau_cym shared information on the review during the engagement period;
   • Stakeholder correspondence: We sent a letter to all recognised awarding bodies, raising awareness of the review and inviting them to engage with the review and respond to the survey; and
   • Website engagement: We published details of our review on our landing/home page for quick and open access and we refreshed our policy pages to highlight the review. We provided links to background papers and the survey through several newsletters, bulletins and emails. All engagement materials were available on our website.

66. A high-level summary of the overall Project Plan was also made available on our website (see Figure 4 below).
Notes on interpretation

67. The section below explains how we indicate the quantification of responses per theme throughout the report.

68. It has been encouraging to see that there has been a high level of consistency between the findings that emerged from the different methods. However, it is also important to note that all awarding bodies have their own contexts in which they operate and therefore each response was taken and considered on its own merits. Every individual response was given due consideration.

69. Quantitative references (such as “many” or “few”), refer to the respondents who engaged with our review only; this should be borne in mind when reading this report. References to ‘respondents’ should be read to include all those who took part in the review through our Online Engagement Survey, Stakeholder Panels and Focus Groups, unless otherwise stated.

70. This report adopts the following terms as an indication of response proportions:
<table>
<thead>
<tr>
<th>Fraction Descriptive Term</th>
<th>Percentage Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most</td>
<td>More than 90%</td>
</tr>
<tr>
<td>Many</td>
<td>More than 70%</td>
</tr>
<tr>
<td>Majority</td>
<td>More than 60%</td>
</tr>
<tr>
<td>Around half</td>
<td>Between 40-60%</td>
</tr>
<tr>
<td>Minority</td>
<td>Less than 40%</td>
</tr>
<tr>
<td>Few</td>
<td>Less than 20%</td>
</tr>
<tr>
<td>Very few</td>
<td>Less than 10%</td>
</tr>
</tbody>
</table>
Chapter 4: Three-regulator Working

71. We have engaged with our fellow qualifications’ regulators in Northern Ireland and England from the outset. Following publication of our Regulatory Framework and Approach and identifying the case to review our Conditions, we discussed the approach to our proposed review with Ofqual and CCEA Regulation.

72. We invited Ofqual and CCEA Regulation to attend all stakeholder panels and held regular meetings to provide comprehensive updates on our review’s emerging findings, and to discuss and identify areas for potential collaboration.

73. Once the review was underway, it became evident that awarding bodies were of the view that changes to the Conditions were required. While they identified the areas for review and/or revision, they also stated their preference for regulators to work collaboratively in reviewing the Conditions, ensuring as much alignment across requirements as possible.

74. This is largely because many qualifications are offered on a three-country basis. Furthermore, awarding bodies are required to report on compliance with the Conditions to all regulators across the UK. As such, they provide Statements of Compliance (SoCs) to three regulators based on similar templates on an annual basis. Therefore, changes to the Conditions by any one regulator could affect their existing reporting approaches.

75. This report is a summary of Qualifications Wales’ review on its Standard Conditions of Recognition. Throughout our review, we have been mindful of engagement work and revisions being undertaken by fellow regulators that could impact on any proposals we might be considering. Therefore, we have maintained regular dialogue with our fellow regulators on the progress of our review.

76. During our review, Ofqual have published changes to their General Conditions of Recognition. These include Conditions A4 and G4, which deal with conflicts of interest and maintaining the confidentiality of assessment materials respectively, which they announced in July 2018.

77. Additionally, Ofqual have carried out a call for evidence in relation to Condition F (Providing qualifications to purchasers).

1 https://www.gov.uk/government/publications/general-conditions-of-recognition
78. As our review has developed, we have met with CCEA Regulation and Ofqual more frequently and have agreed to work together with the aim of aligning revisions to our three sets of Conditions as much as possible. Our fellow regulators will also bring their own views, analysis and perspectives on potential further revisions to the Conditions. Where we draw the same conclusions, we are committed to working together to align any revisions.

79. However, it is important to note that each regulator is independent of each other, with distinct remits. As such, there are examples where aligning will not be possible due to differences in our respective legislations, our regulatory frameworks and perspectives.
Chapter 5: Main Findings of the Review of Standard Conditions of Recognition

80. This section outlines the main findings and highlights the key themes that emerged during our review.

5.1 Prioritisation of Conditions for review

81. As part of our online engagement surveys, we asked respondents to identify up to five Conditions that they considered to be a priority for review (see Figure 5).

82. Figure 5 below shows that respondents felt that revisions were required across all the sections of the Conditions and therefore these should all be considered as part of this review. Figure 5 also shows that the survey did highlight Conditions A2, H3 and I1 as the most frequently identified across all respondents. Other Conditions that were deemed to be a priority by respondents included Conditions A8, A1, D7 and H4.

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4 The data provided here is based exclusively on the responses to our online engagement survey.
Figure 5: Number of survey respondents prioritising Conditions for review

<table>
<thead>
<tr>
<th>Number</th>
<th>Condition</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>A2</td>
<td>Establishment In the EU or the EFTA</td>
<td>9</td>
</tr>
<tr>
<td>H3</td>
<td>Monitoring the specified levels of attainment for a qualification</td>
<td>7</td>
</tr>
<tr>
<td>I2</td>
<td>Appeals process</td>
<td></td>
</tr>
<tr>
<td>A8</td>
<td>Malpractice and maladministration</td>
<td>6</td>
</tr>
<tr>
<td>A1</td>
<td>Suitability for Continuing Recognition</td>
<td></td>
</tr>
<tr>
<td>A4</td>
<td>Conflicts of Interest</td>
<td>4</td>
</tr>
<tr>
<td>H4</td>
<td>Adjudication by Qualifications Wales of specified levels of attainment for a qualification</td>
<td></td>
</tr>
<tr>
<td>D7</td>
<td>Management of the withdrawal of qualifications</td>
<td></td>
</tr>
<tr>
<td>E3</td>
<td>Publication of a qualification specification</td>
<td></td>
</tr>
<tr>
<td>E7</td>
<td>Total Qualification Time</td>
<td>3</td>
</tr>
<tr>
<td>G4</td>
<td>Maintaining confidentiality of assessment materials, including the conduct of specified training events</td>
<td></td>
</tr>
<tr>
<td>I3</td>
<td>The design and content of certificates</td>
<td></td>
</tr>
<tr>
<td>A6</td>
<td>Identification and management of risks</td>
<td></td>
</tr>
<tr>
<td>B5</td>
<td>Representations regarding qualifications</td>
<td></td>
</tr>
<tr>
<td>C1</td>
<td>Arrangements with third parties</td>
<td>2</td>
</tr>
<tr>
<td>E2</td>
<td>Requirements on qualification titling</td>
<td></td>
</tr>
<tr>
<td>I4</td>
<td>Issuing certificates and replacement certificates</td>
<td></td>
</tr>
</tbody>
</table>

For the purposes of Figure 5, other Conditions (A5, B2, B3, C2, D1, D6, D8, D9, E1, E4, E6, E8, E9, F2, F3, G1, G2, G6, G8, G9, H2, H5 and H6) which received 1 response each are not included.

5.2 **Clarity, Structure and Duplication**

83. One of the main aims of our review was to explore opportunities for simplifying the Conditions, focusing on areas such as clarity, structure and duplication.

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5 This infographic is designed to highlight the Conditions which awarding bodies deemed to be a priority to review. This does not mean that all other Conditions were not considered as part of the review.
i. **Capitalisation and Definitions**

84. Section J of the Conditions performs two functions. Firstly, it informs awarding bodies of the way in which the Conditions must be interpreted. Secondly, it provides a list of defined terms and requires those terms to be read in accordance with those definitions. Therefore, it is important that an awarding body refers to the definitions in Section J when interpreting the Conditions to ensure compliance.

“For clarity and easier reference, we suggest having the definition of ‘endorsement process’ listed first in [Section C]; alternatively, it could be considered as a definition in Section J.” – Awarding body response

“Need to look at Conditions which are in fact definitions of other related Conditions” – Awarding body response

85. The review has highlighted that our Standard Conditions of Recognition were not making use of capitalisation in relation to defined terms. Without clear and consistent rules as to interpretation and clearly defined terms (where necessary), there is potential for awarding bodies to interpret the Conditions differently.

86. In accordance with best practice regarding the use of defined terms, the first letter of the defined term should be capitalised. If a defined term consists of more words, each word should be capitalised, except for conjunctions and prepositions.

87. To ensure consistency with the approach already taken by Ofqual and CCEA Regulation, we intend to capitalise all terms that are included in Section J throughout the document. We propose to incorporate these when we consult on a revised document.

88. Lastly, based on the evidence of our review, it has become apparent that we should consider revisions to definitions or additional definitions in several areas. These include, but are not limited to, the following:
   
   i. Adverse Effect;
   
   ii. Change of Control;
   
   iii. Conflicts of Interest;
   
   iv. Insolvency Event;
   
   v. Learner;
   
   vi. Malpractice and Maladministration;
   
   vii. Particular Characteristic, Reasonable Adjustments and Special Consideration;
   
   viii. Qualifications in Wales (QiW) Database; and
   
   ix. Responsible Officer.
89. We will consider the most appropriate way of providing additional clarification to awarding bodies. This may include adding or amending the defined terms currently included within Section J.

ii. Repetition

90. The majority of respondents stated that there were elements of repetition of potentially unnecessary phrases throughout the Conditions, and that these could be removed. Examples included phrases such as ‘in accordance with its Conditions of Recognition’, ‘qualification which an awarding body makes available, or proposes to make available’ and ‘revised from time to time’.

91. A minority of these respondents suggested that clarification on the use of such phrases could be introduced at the beginning of the document, negating the need for repeated references.

ii. Use of ‘For the purposes of this Condition’

92. Many respondents highlighted the fact that the Conditions currently include several examples of the use of the phrase ‘For the purposes of this Condition’. Of these, a few suggested that its use was due to the ambiguous wording of preceding or following Conditions. Notable examples of this were Conditions A1.1 and A1.2 where A1.4 and A1.5 provided supplementary information. To that end, they queried why these Conditions needed to be separated in this way.

93. Similarly, a few respondents queried whether the phrase referred to a particular requirement e.g. D7.1 or applied to all requirements included in D7. It was suggested that this should be made clear in all instances.

94. As these Conditions did not actually specify a requirement, but rather provide supplementary information or definitions of terms relevant to the preceding Condition many respondents were of the view that such examples should be removed and/or where appropriate included as defined terms in Section J or as accompanying guidance.

95. It was suggested that placing all definitions within Section J would provide greater clarity, and that supplementary information should be presented at the beginning of the regulatory document.

96. It was also not clear to around half of respondents why the ordering of such Conditions appeared inconsistent i.e. sometimes appearing at beginning of relevant Condition and others at the end. Conditions A1.2, A4.1 and E1.5 were identified as examples.

"Remove [Condition A1.2] to statutory guidance. This is not a Condition it provides clarification and guidance.” – Awarding body response
97. We agree that there are many examples of repetition throughout the document, and that this can affect the readability of the document, and awarding bodies’ understanding of the requirements.

98. We are considering the appropriate use of such phrases, including the need to reduce repetition to improve the clarity and readability of the Conditions without losing any important nuances.

iii. Simplification of complex wording of Conditions

99. The majority of respondents were of the view that many Conditions could be made clearer. It was suggested that simplification of complex wording would aid awarding bodies’ understanding of the requirements, and thereby facilitate compliance. Notable examples include, but are not limited to, Conditions A7, A8, H1 and H4.

“All conditions should be reviewed as they are vague and open to interpretation.” – Awarding body response

“[Condition A8] requires re-reading a number of times to fully understand it so it could benefit from being clearer” – Awarding body response

“It is not totally clear what [Condition A1.3] requires.” – Awarding body response

100. Around half of these suggested that the lack of clarity was due to the legalistic style and verbose wording of the Conditions.

101. We note that our Conditions is a legal document, and its status will, to an extent, have to be reflected in the drafting. However, in accordance with the aims of the review and our regulatory approach, and where it is appropriate to do so, we will aim to make the Conditions clearer.

102. In considering any possible revisions to this effect, we will need to be mindful that this does not result in any unintended consequences i.e. inadvertently losing clauses that have significance in a legal sense, or lowering our requirements through simplification, and therefore weakening protection for learners.

iv. Structure of Conditions

103. The Conditions are structured into ten sections (A-J). Although the Conditions are structured in this way, it is important to note that each section is not mutually exclusive and that there are important inter-relationships between requirements across the document.
104. The review has highlighted that the majority of awarding bodies did not always fully appreciate these inter-relationships between Conditions. These inter-relationships can mean that non-compliance with one Condition may impact on an awarding body’s ability to comply with several other Conditions.

105. This was particularly pertinent when discussing notification of events, malpractice and maladministration, conflicts of interest, identification and management of risks and contingency planning, where Conditions relate to others and/or to definitions.

106. One example that was highlighted as part of the review was in relation to Condition A7 (Management of incidents) and its relationship with Condition A6 (Identification and management of risks) and B3 (Notification to Qualifications Wales of certain events).

107. Many awarding bodies had not appreciated the fact that non-compliance with Condition A6 i.e. not taking all reasonable steps to identify the risk of an incident which could have an adverse effect, could lead to its inability to prevent or mitigate those effects in accordance with Condition A7. This in turn would also impact on an awarding body’s ability to promptly notify us of any event which could have an adverse effect.

108. To that end, around half of respondents would like to see us provide additional guidance in this area. A few suggested that case study examples and/or workshops would illustrate the inter-relationship in practice and help support awarding bodies with compliance in future.

109. Finally, around half of respondents queried whether Conditions should be read in conjunction with others, or whether Conditions should be able to be read as standalone requirements. Conditions A1.2, B3.2, C3.2, D7.1 and G6.1 were noted as examples.

v. Inconsistent interpretation of Conditions

110. The review found that awarding bodies were inconsistent in their interpretation of the Conditions, and that this could at times be due to the lack of clarity that some had reported. This was found in particular, for example, in relation to Conditions C1 / C2 (Arrangements with third parties and centres) and H2 (Moderation where an assessment is marked by a centre).

111. In relation to Section C of the Conditions, a few awarding bodies stated that they had not appreciated that the requirements in relation to third parties (Condition C1) also apply to centres (as stated in Condition C2.1). As a result, some had interpreted that only Condition C2 was relevant to centres when in fact both C1 and C2 apply.
112. Similarly, awarding bodies’ inconsistent interpretation of Condition H2 led to some confusion as to whether the awarding body itself was permitted to undertake moderation, or whether the Condition as written restricted moderation to a Centre function carried out on behalf of an awarding body.

113. Whilst Condition H2 does require awarding bodies to support centres when they are undertaking moderation on its behalf, this does not preclude awarding bodies from carrying out moderation themselves. Therefore, our review has not identified sufficient evidence for us to propose any substantive changes to this Condition.

vi. Supplementary information and other forms of support and clarification are required

114. Early in our review, it became apparent that revisions to the wording of the Conditions alone would not necessarily or always achieve the aim of providing greater clarity; rather, respondents told us on many occasions that further guidance or forms of clarification were required.

115. It has become clear through the course of our review that both revisions and/or other forms of clarification are necessary as these work hand in hand to support awarding bodies.

“A supplement to the existing ‘Guidance to the General Conditions of Recognition’ would be very welcome. Presumably the regulators have amassed examples of actual good and bad practice since the ‘Guidance’ was first published, which could now usefully inform and enhance awarding organisations’ compliance with the Conditions.” – Awarding body response

“Condition B3.4 is fine but we would welcome more guidance on what constitutes ‘type’ and ‘content’.” – Awarding body response

5.3 The Wales context

i. Status of Regulated Qualifications in Wales

116. The Qualifications Wales Act 2015 (“the Act”) and our Regulatory Framework and Approach sets out in detail how we carry out our regulatory work and summarises our current approach to the regulation of awarding bodies and qualifications other than degrees they offer in Wales.

117. All qualifications other than degrees that are offered in Wales by an awarding body recognised by us are regulated by us. However, awarding bodies can opt to surrender recognition for individual qualifications or can exclude a form of qualification from the scope of its recognition.
118. Despite this, evidence shows that a few awarding bodies remain uncertain about the opt out approach in Wales. The majority of respondents also said they were uncertain about the distinction between Approved, Designated and Other Regulated qualifications.

119. Conditions B5, D7, D9 and E6 were identified as Conditions which required further clarification or explanation to support awarding bodies. Please note that a number of these differ from Ofqual and CCEA Regulation’s Conditions and reflect our own legislative context.

120. We intend to produce a revised Foreword to our Conditions, which will provide useful information and context to awarding bodies of our regulatory framework and the context in which we operate in Wales.

121. This revised Foreword will also provide explanation on the extent to which these Standard Conditions apply to all awarding bodies, different qualification types and their relationship with other Conditions of Recognition e.g. Additional Standard Conditions of Recognition for GCSE/GCE qualifications.

ii. Qualifications in Wales (QiW) Database

122. Our Conditions places various requirements on awarding bodies in relation to the QiW database. These include, but are not limited to the following:
   - submitting qualifications to QiW (Condition E6);
   - ensuring that the title of any qualification includes specific information (Condition E2.1);
   - ensuring that the title reflects the knowledge, skills and understanding that will be assessed and taking all reasonable steps to ensure the title allows users of qualifications to identify similar units or qualifications (Condition E2.2).

123. Around half of respondents expressed some concern that the QiW database only contains details of qualifications that are approved or designated i.e. not all the qualifications within their scope of recognition. Of these, we received concerns from a few respondents that qualifications recorded on QiW were limited to publicly funded qualifications, as this does not showcase all the regulated qualifications offered by an awarding body. In their view, this seemed to imply to potential purchasers that other qualifications were not available to learners in Wales, whereas they were available on other regulators’ databases.
124. We further tested this emerging finding through one-to-one interviews with a sample of awarding bodies. The majority of these respondents felt that there should be a list to show all qualifications that are offered in Wales – whether on QiW or a separate database.

125. Equally, most were unclear about our approach to recognition, particularly in relation to when they wish to surrender recognition for some qualifications. Some examples include:

- surrendering qualifications that they do not offer in Wales;
- surrendering qualifications that don’t exist at all (i.e. an awarding body offering qualifications in a particular sector may wish to surrender recognition for all other sectors); and
- confusion about the difference between withdrawing and surrendering a qualification.

126. It is important to explain that awarding bodies only need to surrender recognition for qualifications that they wish to offer as unregulated qualifications in Wales.

127. We have decided to require awarding bodies to include all regulated qualifications on QiW. We believe that this will provide clarity to awarding bodies on what is and is not regulated by us and would also result in a definitive and unambiguous list of regulated qualifications being available.

128. This decision will impact on our Conditions, and revisions will be required to those Conditions which explicitly refer to the three categories of regulated qualifications in Wales. These revisions may need to be implemented prior to a consultation. If this is the case, we will communicate with awarding bodies in a timely manner.

### iii. Logo requirements

129. While respondents were broadly happy with the Conditions relating to the design and content of certificates, some considered frequent changes to certificate requirements – in addition to distinctions between regulators’ requirements – as burdensome.

130. Awarding bodies raised this issue as part of the review, asking for all three regulators (Qualifications Wales, CCEA Regulation and Ofqual) to produce clearer guidance on
the use of logos when certificates are used in a three-country context. We took this on board and worked with our fellow regulators to draft this guidance.

131. This guidance has now been published and is available on all three regulators’ websites6.

iv. Welsh-medium requirements
132. During focus group discussions a sub-group queried our requirements as to whether the language medium in which an assessment was conducted should be noted on the certificate. Similarly, there were discussions at focus groups about whether there should be a requirement for all certificates to be issued bilingually.

133. In considering what is appropriate for the purposes of achieving our principal aims, we are required to have regard to eight matters, as outlined in section 3 of the Act. This includes:

“the desirability of promoting and facilitating the use of the Welsh language, including through the availability of assessment arrangements that provide for assessment through the medium of the Welsh language, and of qualifications that otherwise promote or facilitate the use of the Welsh language.”7

134. We developed and published our Regulatory Welsh-medium and Bilingual Qualifications Policy which is a Regulatory Document. This policy explains our overall approach to the provision of Welsh-medium and bilingual qualifications offered by recognised awarding bodies. We are currently reviewing our policy with the aim of publishing a revised version in 2019.

v. Future Policy Developments
135. As part of our review, we committed to considering current, emerging and future policy developments with a view to identifying revisions that may need to be incorporated to reflect such policy priorities as part of this review.

136. Successful Futures (Donaldson, 20158) was an independent review of national curriculum and assessment arrangements in Wales. Published in February 2015, the review contains 68 recommendations, of which 19 recommendations relate to assessment. As a response to the recommendations outlined in the review, a new curriculum is being developed to cover school provision for 3-16-year olds.

137. In particular, the Donaldson review and curriculum reform were highlighted as areas for consideration and/or revision, as were outcomes from our sector reviews, and

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6 https://qualificationswales.org/english/publications/using-regulators-logos-on-certificates/

138. The new curriculum will be introduced in 2022, with the first cohort of 16-year-olds to have followed the new curriculum sitting their end of school exams in summer 2027. We are currently considering the changes to qualifications that will be needed to support the new curriculum.

139. Similarly, our programme of sector reviews forms the backbone of our work with vocational qualifications, together with our day-to-day work as a regulator. In each sector review we aim to:
   - understand the qualifications landscape in the sector;
   - hear stakeholders' views on the qualifications and the qualifications system in the sector;
   - consider whether the qualifications, and the qualification system are technically effective and fit for purpose;
   - learn lessons from the qualification systems of other nations;
   - decide whether Qualifications Wales should take, or recommend that others take, action to improve qualifications or the system.

140. In each review we are guided by the need for qualifications in Wales to be relevant to employers throughout the UK.

141. The sequence of our sector reviews is currently as follows:
   - Health and Social Care (including child care and play work) published in July 2016;
   - Construction and the Built Environment published in early 2018;
   - Information and Communication Technology (to be published in 2018); and
   - Engineering, Advanced Manufacturing and Energy (to be published in 2020).

142. Although these policy developments are likely to result in improvements to the education sector and qualification system in Wales, we do not foresee that they will necessarily impact on the requirements included within our Standard Conditions of Recognition.

5.4 Applicability of Conditions to all qualification types

   i. Monitoring the specified levels of attainment for a qualification

143. Around half of respondents highlighted Conditions that they considered were challenging in terms of how they can be applied to vocational qualifications (VQ). A few awarding bodies were strongly of the view that the Conditions were drafted in
the context of General Qualifications (GQ) and asked us to review the extent to which
the Conditions are universally applicable.

144. Condition H3.1(c), which requires awarding bodies to review specified levels of
attainment for similar qualifications made available elsewhere, was identified as an
example where it was perceived to describe GQ practices, where there are
established mechanisms across groups of awarding bodies.

145. Generally, respondents were of the view that there is no mechanism in place for all
awarding bodies to do so for all VQs and therefore very few stated in their annual
Statement of Compliance (SoC) that they were currently non-compliant.

146. Similarly, a few respondents noted that ‘differentiating between a range of
attainments by Learners’ as stated in Condition E4 was interpreted in the context of
how current providers of General Qualifications implement these requirements.

“Many interpret [conflict of interest] in such a way as a teacher who assesses their
own student has a conflict of interest although this is standard practice with
vocational qualifications.” – Awarding body response

“Whilst I understand the premise of [Condition H4], there is an inherent difficulty in
maintaining standards across ‘like’ qualifications in the VQ world.” – Awarding body response

“F1-F1.4 can be understood and are obviously written to address a range of
approaches by awarding bodies and with GCSE and A-level boards in mind.” – Awarding body response

147. We have considered this carefully and concluded, following analysis and discussions,
that the Conditions are sufficiently broad in their reading to apply to all awarding
bodies and all types of qualifications. The Conditions do not necessarily describe
practices in the general qualifications’ domain, but rather have perhaps become seen
as describing them. On the whole, as described in Chapter 1, we do not prescribe the
way in which an awarding body implements the Conditions.

148. We intend to further consider the extent to which all Conditions are worded
appropriately, reflecting the fact that they apply to all recognised awarding bodies
and qualification types (unless specifically disapplied in writing). In doing so, we will
consider whether revisions to Conditions are required, or whether additional
guidance could be provided to help awarding bodies’ understanding of requirements
in different contexts.
149. We have noted that Condition H3.1c specifically has been raised by some awarding bodies. Therefore, we are considering the potential to develop guidance in this area and will discuss this with our fellow regulators.

ii. Additional Conditions of Recognition

150. An awarding body’s recognition may also be subject to additional Conditions of Recognition, which currently include the following:

- Additional Standard Conditions of Recognition for GCSE/GCE;
- Additional Standard Conditions of Recognition for Welsh Baccalaureate Skills Challenge Certificate; and
- Special Conditions of Recognition (Fee Capping Condition, Transfer Condition and Special Conditions making provision about compliance with directions given by QW).

151. The introduction of qualification-specific Conditions has resulted in some of the Standard Conditions of Recognition being disapplied. An example of this is Standard Condition I1 (Appeals process) which does not apply in respect of each GCSE/GCE qualification which an awarding body makes available or proposes to make available. This is due to the fact that we require awarding bodies offering these qualifications to comply with our Additional Standard Conditions of Recognition for GCSE/GCE Qualifications, which cover two main areas:

i. Reviews, Moderation and Appeals; and
ii. Setting GCSE, A level and AS grade boundaries.

152. A few respondents noted that whilst some Conditions might not apply to every awarding body, the Standard Conditions document itself did not refer to this. As a result, it is possible that a reader could reasonably assume that all awarding bodies must comply with all of the Conditions, where this may not be the case. To that end, respondents called for additional clarity and greater transparency in the document itself.

153. Where Standard Conditions have been disapplied, and replaced with additional Conditions, we propose to explicitly state this in our principal document, and to establish cross-references between other regulatory documents, where relevant.
5.5 **Location of awarding bodies**

154. Condition A2 requires an awarding body to ordinarily be located in a member state of the European Union (EU) or the European Free Trade Association (EFTA), or to be legally established, or have a substantial presence, in a member state of the EU or the EFTA.

155. Most respondents stated that Condition A2 would need to be amended to reflect the UK’s withdrawal from the EU. As part of the review, we have considered what requirements, if any, will be placed on us in future agreements with the EU regarding the location of awarding bodies. We have also been considering what implications any revisions could mean for awarding bodies outside of the EU/EFTA.

156. We agree with the need to change and anticipate that any revisions will be implemented as the outcome of ongoing discussions become clearer. Because the UK is scheduled to leave the EU in March 2019, revisions to A2 may need to be implemented prior to a consultation. If this is the case, we will aim to communicate with awarding bodies in a timely manner.

5.6 **Conflict of Interest and use of ‘Personal interest’**

157. Condition A4 requires an awarding body to identify, monitor, and manage all conflicts of interest which relate to it, and take all reasonable steps to ensure that those conflicts do not have an adverse effect.

158. ‘Conflict of interest’ is defined in the existing Conditions as any interest that has the potential to “lead it to act contrary to its interests in the development, delivery and/or award of any qualifications”. This applies to the awarding body itself and all connected persons.

159. Throughout the review, awarding bodies suggested that improvements could be made to the wording and asked for more supportive guidance and/or training on the issues surrounding this.

“This whole condition is one that needs more examples to provide AOs with a greater understanding of what might be viewed as a conflict. A common area of greyness is where the AO is part of a bigger organisation that may be a professional/membership body. .....” – Awarding body response

160. It is clear from the review that awarding bodies’ understanding of ‘conflict of interest’ varies greatly. The majority of respondents have asked for case studies and examples.

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8 **Condition A4 – Standard Conditions of Recognition**
of what range of issues could be viewed as a conflict of interest and that these illustrations would develop their understanding of the requirements.

161. Evidence from a range of sources suggests that this confusion stems partly from the narrowing of the term conflict of interest to identifying and managing ‘personal interest’. There are references to personal interest in Conditions A8, G4 and I1 and this serves to further confuse awarding bodies.

162. Condition A8.3 and G4.5 require an awarding body to ensure that investigations relating to suspected or alleged malpractice or maladministration, and breaches of confidentiality, are carried out by persons who have no personal interest in their outcome. Similarly, Condition I1.2 requires all appeal decisions to be taken by individuals who have no personal interest in a decision being appealed.

163. Around half of respondents felt that our requirements around personal interest in respect of these Conditions were unclear and queried whether this was distinct to the wider potential conflicts outlined in Condition A4. To that end, respondents stated that the potential inclusion of a definition in Section J would be welcomed.

164. We have found that ‘personal interest’ is not a legally defined term. However, there is an overarching legal term of Conflict of Interest and the following are included within its definition:

i. Financial interests – where an individual may get direct financial benefit from the consequences of a decision they are making;

ii. Non-financial professional interests – where an individual may obtain a non-financial professional benefit from the consequences of a decision they are involved in making, such as increasing their professional reputation or promoting their professional career;

iii. Non-financial personal interests – where an individual may benefit personally in ways which are not directly linked to their professional career and do not give rise to a direct financial benefit, because of decisions they are involved in making in their professional career;

iv. Indirect interests – where an individual has a close association with another individual who has a financial interest, non-financial professional interest or a non-financial personal interest who would stand to benefit from a decision they are involved in making.

165. To that end, we accept that the use of both ‘conflict of interest’ and ‘personal interest’ in the document may not be particularly helpful. We also recognise that a lack of definition in the current Conditions does not aid awarding bodies’
understanding of the requirements. Therefore, we are minded to proposing revisions in this area.

166. We are discussing the findings of our review with Ofqual and CCEA Regulation and exploring to what extent our perspectives align.

5.7 Malpractice and Maladministration

167. Around half of respondents want greater clarification on the distinction between malpractice and maladministration, and how this links to potential adverse effects.

168. Firstly, awarding bodies were not clear why malpractice and maladministration were combined and felt that malpractice was more serious than maladministration, which participants said could essentially be a minor unintentional administrative error.

169. Respondents asked us to consider if the two areas could be separated in the Conditions. We have considered the issues in detail, taken legal advice and have found that both malpractice and maladministration are usually combined.

170. Secondly, the link to adverse effects was not always understood by respondents. It is important to note that our requirements to prevent and/or mitigate cases of malpractice and maladministration are linked to whether those cases cause or are likely to cause an adverse effect to learners.

“Greater clarification on what the distinction is between an adverse effect and malpractice and maladministration. It would also be useful to know what is deemed an acceptable number of reportable incidents to the Awarding Body.” – Awarding body response

171. The review also identified some confusion regarding the requirement to notify specified events to the regulator and other awarding bodies. Because of this confusion, awarding body practices are varied.

172. Condition A8.7 was raised by around half of respondents, with both the ‘what to share’ and ‘when to share’ discussed in detail during our Stakeholder Panels. This was due to the perceived risk of informing other awarding bodies too early and only really feeling safe to do so when it is ‘case proven’.

“It would be more appropriate to advise the regulator when the AO believes there is the potential for an occurrence but for the AO to advise other AOs when the occurrence has been confirmed.” – Awarding body response
Thirdly, respondents told us about varying practices around naming individuals when notifying other awarding bodies. Of those, a few were unsure whether this level of information was always appropriate. Concerns were also raised regarding timing if the issue is later resolved but information has been shared, which cannot be retracted, or could cause reputational damage.

To that end, findings from this part of the review suggest that forms of guidance would be helpful as well as reviewing the wording of the Conditions. Guidance should be provided in relation to the timing of notifications, when we expect awarding bodies to notify other awarding bodies, how much information they should declare and whether individuals should be named.

We also agree, in principle, that awarding bodies could benefit from more clarity around what we mean by malpractice and maladministration in the Conditions. We are therefore considering how best to make this clearer, including proposals to define these terms in Section J of the Conditions and to focus on the consequences of the practice. These proposals have been shared with Ofqual and CCEA Regulation.

### 5.8 The role of the Responsible Officer

The Conditions currently requires an awarding body to ensure that its Responsible Officer serves as the authoritative point of contact in relation to all activities undertaken by the awarding body which are of interest to the regulator.

As part of the role, a Responsible Officer is required to sign any undertakings given by an awarding body. This requirement also applies to the annual Statement of Compliance (SoC) provided by the awarding body. The requirements placed on the Responsible Officer are made distinct to those of a Senior Officer and Governing Body.

Both Senior Officer and Governing Body are defined terms. A Senior Officer is defined in Section J as a ‘Director or senior executive officer of the awarding body or a person holding a position of equivalent status within the organisational structure’\textsuperscript{10}. Similarly, a Governing body is defined as ‘the board of directors or a person or group of people having the equivalent status within the organisational structure’. There is currently no definition of a Responsible Officer.

However, the review has uncovered some confusion amongst awarding bodies around the expectations of the various roles and how they relate to each other. In particular, the wording describing the Responsible Officer as the authoritative point of contact and its functions being embedded in the Conditions rather than in Section J. Secondly, the seniority required for the role and therefore the relationship between

\textsuperscript{10} https://qualificationswales.org/english/publications/standard-conditions-of-recognition/
the Responsible Officer, senior officers and Governing Body, requires further clarification for awarding bodies.

180. Around half of respondents suggested that the wording of the Condition be amended, with reference to a Responsible Officer serving as the ‘authoritative respondent’ rather than a ‘point of contact’. This, in their view, would change the way that the Responsible Officer is regarded by some awarding bodies, so that they assign a Responsible Officer with suitable knowledge and authority. However, a few were of the view that this proposal seemed to suggest a more passive role, which was not the intended outcome.

181. Condition B1.3 sets out requirements as to the role of the Responsible Officer. These responsibilities suggest that the person should have a sufficient level of seniority and authority within the organisation. Secondly, we need to be certain that correspondence from the Responsible Officer is representing the organisation and can be relied upon as the definitive communication.

182. Evidence gathered as part of this review suggests that the person performing the role of a Responsible Officer varies greatly. This sometimes reflects the size and nature of the awarding body, and the way in which their various governance structures are designed. In some instances, the Responsible Officer is the CEO, or in organisations where the awarding function is only part of the business the Responsible Officer might be the most senior individual in the awarding function.

“We would welcome consistency in the current Conditions concerning the Senior Officer and Responsible Officer. For example, Condition A1.5 sets out the unsuitable behaviours for a Senior Officer, however, there are no similar Conditions for the Responsible Officer.” – Awarding body response

“We would welcome due consideration of developing principles of accountability for the role of the Governing body as well as reviewing the responsibilities and expected behaviours of the Responsible Officer and the Senior Officer. We suggest identifying common behaviours and responsibilities across all three roles and then referencing any further ones that are bespoke to each role.” – Awarding body response

183. It is important that the Conditions are clear enough and yet flexible enough to apply across the wide range of awarding bodies that we recognise and regulate. However, it has become apparent that the role of the Responsible Officer is not always carried out by persons who have the required authority and engagement within the awarding body. Whilst it is not within the remit of the regulator to prescribe how the Conditions are complied with, nor to determine who awarding bodies employ, it is
imperative that our expectations of the Responsible Officer role are set out clearly in our Conditions.

184. To that end, most awarding body respondents called for further clarity on the definition of the role and our expectations for that role. Of these, many stated that revised wording as well as additional guidance would provide clarification.

185. Around half of respondents felt that alternative forms of support would be welcomed by Responsible Officers. This was particularly true for relatively new and inexperienced officers, who can often feel isolated. An induction provided by the regulator was suggested as a useful approach to consider.

186. Similarly, the need for continuous training and networking opportunities to all Responsible Officers was identified by a few respondents, with areas such as regulatory concepts and the technical aspects of qualifications such as validity and reliability highlighted, with the aim of building knowledge, expertise and confidence.

187. To provide further clarity, we are considering several options including the development of a definition of Responsible Officer, to be included in Section J of the Conditions. We are in discussions with Ofqual and CCEA Regulation on these options.

188. We are also considering what guidance or forms of support we can provide as a regulator to address awarding bodies’ needs (please see Chapter 6 for further details).

5.9 The Current Relevance of Condition D6

189. Condition D6 stipulates that an awarding body may only make available a qualification which uses a unit or rule of combination developed by others where it reasonably believes that they comply with any requirements set out in a regulatory document. Its aim is to ensure that awarding bodies are held accountable for those units or rule of combination developed by others which it offers.

190. This Condition relates directly to the Qualifications and Credit Framework (QCF), a jointly regulated credit transfer system which recognised qualifications and units by awarding credits. The QCF also provided design rules for developing units and qualifications and getting them accredited.

191. Following the withdrawal of the QCF rules and the unit bank, Qualifications Wales now operates as part of the Credit and Qualification Framework for Wales (CQFW). Therefore, Qualifications Wales has not adopted the terminology of the ‘Regulated Qualifications Framework’ applied in England and Northern Ireland.
192. Several other Conditions currently overlap with the requirements set out in Condition D6. In particular:

- Condition D5.1 requires an awarding body to ensure that all units comply with relevant requirements specified in Regulatory Documents;
- Condition D5.2 requires an awarding body to ensure that it gives due regard to relevant guidelines/principles of good practice specified in Regulatory Documents during the development, delivery and award of any unit it makes available;
- Condition C1 requires an awarding body to ensure that the arrangements it puts in place with the developer of the unit enable it to develop, deliver and award the qualification; and
- Conditions E5.1(b) and E6.1 require an awarding body to satisfy itself that it has complied with all of these requirements before making a qualification or unit available.

193. In the case of units, Condition D5.1 already requires compliance with requirements in Regulatory Documents. Therefore, any situations where an awarding body failed to comply with D6 – that awarding body would also have breached (as a minimum) Condition D5.

194. Most respondents also highlighted the historical aims of this requirement, noting that in practice the number of regulated qualifications which include units developed by others had decreased significantly. As such, they were broadly in agreement that this review was an opportune time for the removal of this Condition.

“As qualifications and units are no longer shared and qualifications don’t necessary need to be developed in units. So this is a condition that seems unnecessary now.” – Awarding body response

“D6.1 is unclear as the sharing of units is not commonly used now that the AB is responsible for the development of its own units (where units form part of a qualification).” – Awarding body response

“I have always thought that it is odd that the Component was essentially made up to differentiate from unit, and there is a definition for them but there is no definition of unit. Awarding bodies have found this definition of Component confusing and unhelpful when the standard terminology has always been units and that this was the exclusive terminology of qualification parts in the QCF.” – Awarding body response
Therefore, we are of the view that we can remove Condition D6 from our Conditions. Awarding bodies should be reassured that we are aware also that this may impact on the numbering of following Conditions within Section D (General requirements for regulated qualifications).

5.10 Total Qualification Time (TQT) and assigning Credit

The review has highlighted that there are currently inconsistencies in practice where credit values are assigned to units which are also assigned to a whole qualification. Due to our requirement in E8 to round out credit values to whole numbers, we are aware of examples where the cumulative effect of adding up all the credit values of several units together can mean that this total is higher than the total qualification credit value.

Whilst acknowledging that these discrepancies should reduce going forward in view of the QCF being removed, we accept that the current requirement creates problems for awarding bodies’ compliance, and therefore action is required.

We will therefore propose revisions to Condition E8. In addition, we will also consider what further guidance or forms of clarification we could provide to awarding bodies to aid compliance.

5.11 Providing qualifications to purchasers

The requirements in Condition F can be separated into three main themes:
1. making fee information available;
2. packaging qualifications with other products or services; and
3. providing accurate and timely invoices.

Condition F1 – Information on fees and features of qualifications

Evidence gathered as part of this review has emphasised the need to improve the accessibility and transparency of fee information to purchasers, including centres.

The majority of awarding body respondents stated that the common expectations in Condition F were unclear. This was due to the large number of caveats in the Condition, which in turn has resulted in varied approaches taken by awarding bodies, and different levels of fee information being made available to purchasers.

“[Condition F] is quite wordy and the requirement is not exactly clear and could lead to an inconsistent interpretation.” – Awarding body response
202. Most respondents are supportive of both the principles that fee information should be easily and readily available to the public and that transparency around fees was important. They were also of the view that F1.1 should facilitate the qualification market operating as a market and that purchasers can access information about fees to inform their decisions and choices.

203. Many respondents said that they do currently publish fee information and that this information is publicly available on their website. Publishing on the website is accepted by the majority as the best means to ensure that information is publicly available and that this was not an unreasonable requirement – with most if not all awarding bodies having websites.

“We feel that it should be mandatory to publish a price structure / list for all organisations.” – Awarding body response

204. Of those awarding body respondents who currently publish information, around half reported that it was unfair if other awarding bodies were not doing this, as they could be gaining an advantage. To that end, the majority of focus group and stakeholder panel respondents welcomed the proposal to make this a regulatory requirement.

205. There were a few awarding bodies that described practises that did not include making fee information publicly available:
   i. A few awarding bodies did not make their fee information available publicly nor on a website; rather, it is made available through their customer support service and / or membership portals or intranet sites;
   ii. Very few awarding bodies hold pricing information within a private area of their website reserved for registered members, where registration itself carries its own fee;
   iii. Similarly, a few awarding bodies explained that information was provided to purchasers upon request, using this stage as an opportunity to engage with potential customers. These respondents expressed concern and wariness about losing this stage which forms an important part of their sales process.

206. The reasons for these alternative approaches included the need to protect commercially sensitive information, thereby lowering the risk of direct competition with potential competitors. It was also suggested that larger awarding bodies can effectively ‘subsidise’ certain qualifications with others that are more profitable, and thus setting a market price that may not be feasible for smaller bodies delivering comparable qualifications.
207. These respondents were therefore concerned about potential changes to the requirements, suggesting that the current flexibility for various business practice was appropriate and proportionate.

“There is a slight difficulty from a commercial perspective with making prices available to potential purchasers, for example we like other AOs have a price list which is sent out to approved providers but we don’t, as a matter of course, make this information freely available on the website for instance, as this would allow other AOs full access to commercially sensitive information.” – Awarding body response

208. We carried out additional focus groups and discussions with awarding bodies in order to determine the potential impact of revising Conditions in this regard. The findings from these additional focus groups have been considered along with all other sources of evidence.

209. Similarly, we carried out focus groups and analysed questionnaires from a wide range of centres. Around half of centres explained that it was extremely difficult to find fee information on awarding bodies’ websites, and therefore extremely difficult to compare qualifications and make informed decisions on a suitable provider.

210. Moreover, the less experienced centres or officers, in particular felt disadvantaged, and experienced officers agreed that it took years of experience to know how to find some information.

“It is very hard to locate on the website and once located the document isn’t clear. I tend to use my exams organiser, exam fees report, to find out a fee if I need the information quickly.” – Response from Centre in Wales

“I can’t recall seeing any fees on the websites of the awarding bodies that we use” – Response from Centre in Wales

“I believe they are on the website, but I have never found them.” – Response from Centre in Wales
211. On the other hand, some experienced officers, or those centres that use a reasonably static or small number of awarding bodies, reported that in their experience, fee information was clearly available on a website.

“I have always been able to obtain the information I require quite easily through the sites.” – Response from Centre in Wales

“They are available on each website for each board we use.” – Response from Centre in Wales

212. Most respondents explained that discount pricing is made available according to the number of registrations. Therefore, whilst publishing a standard fee was supported by the majority, these prices may be misleading, due to discounts being applicable based on the number of learners, and variances in registration numbers. A pricing structure outlining the various fees by number of entries might be clearer for potential purchasers of qualifications in this instance, rather than a standard list was suggested by respondents.

213. To that end, most respondents were supportive of the proposal to place a clear requirement on awarding bodies to make their fees and pricing structures publicly available, including explanations about other services and fees as well as discounts.

**Condition F2 – Packaging qualifications with other products or services**

214. Evidence gathered during the review has demonstrated that awarding bodies often package qualifications with other products or services, and occasionally do not allow for those qualifications to be purchased separately. Examples of these associated products or services included Continuous Professional Development (CPD) within the fee.

215. The views on packaging varied. The majority of respondents agreed with the current requirements in the Conditions - that packaging should be permitted, but that qualifications should always be offered separately.

216. However, a few respondents were of the view that packages being offered without alternative options can be justified in particular circumstances. One example of this was where an awarding body included a text book with the examination fee in an attempt to improve quality of teaching and learning in preparation for the assessment.

217. Most respondents agreed that packaging qualifications and/or other products or services should not create unreasonable disincentives to learners and centres or lead
to purchasers paying for services they did not need and/or want. However, very few awarding body respondents were of the view that the current requirement which states a qualification can be made available in a package alone if purchasers believe this to be appropriate was sufficient to ensure that this was not the case.

218. A minority of respondents were unclear as to whether the services they provided constituted a package. Typically, these awarding bodies were providing a single fee for a qualification which incorporated multiple services, including centre registration, CPD, learner registration, assessment and certification.

219. From the course of discussions with awarding bodies, many of these elements could be viewed as overheads and that these would normally be expected to be absorbed in the overall fee income received by awarding bodies.

“"Yes for most AO but depends on AO - some include resources as part of fee, others require additional subscription for resources." – Response from Centre in Wales

“I cannot see how the fee for a replacement certificate can be justified - these cost more to press print than for a GCSE entry, to get it marked and a certificate. We spend more on exam fees than the total spend by all our teaching departments.” - Response from Centre in Wales

220. On the whole, greater clarity is needed for section F2, as respondents stated that the clauses appear contradictory and conflicting. One notable example was Condition F2.2(b), which was deemed to provide too broad a caveat, allowing inappropriate levels of flexibility for awarding bodies to make qualifications only available as part of a package.

221. Greater clarity in terminology between ‘features of qualifications’ and ‘associated products and services’ was also deemed necessary by awarding body respondents.

Condition F3 – Invoicing

222. Most respondents confirmed that they issued invoices to purchasers. Of these, a minority noted that their IT systems currently prevented them from providing a detailed breakdown within the invoice as a matter of course. However, they were of the view that this would be possible but would require a longer lead in time to allow for appropriate systems and processes to be put in place.

223. As was reported in our Summary Report for tranche 2, the review found that there can be a significant time lag between registering candidates, and eventual invoicing. It has become clear that awarding bodies have wide interpretations of the phrase ‘in
a timely manner’ currently included in Condition F3.1 – with some invoices being sent to purchasers over 18 months later and into new financial years.

224. Where a time lag in invoicing occurs, in most cases, the awarding body then applies the fees associated with the new financial year and not the year in which the registration was placed nor always to the year in which the assessment was taken. However, very few respondents felt that we should prohibit awarding bodies from amending or reviewing fees between the period of initial registration and certification.

“Some invoices arrive months later. Most invoices are accurate and clear, but it would help to receive a more detailed breakdown of individual items whether they are re-marks or scripts. It would help to have the subject name also and not just the code.” – Response from Centre in Wales

225. Centres told us that registration numbers can change following their initial purchase. As a result, the awarding body cannot be clear about the final costs, and therefore the centre cannot be sure of the price they will eventually be required to pay.

226. Similarly, there are additional fees placed on centres for late entries and very late entries, in some cases. This can also lead to a centre not being clear of the costs they can expect in final invoices. We acknowledge that these variances may link back to uncertainties in the system which make the difficulties that awarding bodies have in preparing quotes and subsequently reconciling such quotes with invoices.

“Varies depending on Board . . . there is no rhyme or reason as to when bills are produced. Some bills are quick, others are after nine months.” – Response from Centre in Wales

Invoices are generally timely and accurate, however [some] invoices can be quite late. Recently received five invoices (9 June 2018) relating to late fees from Summer 2017!” – Response from Centre in Wales

“Often delayed, some more detailed than others.” – Response from Centre in Wales

227. The majority of respondents reported that they took payment for qualifications after award. In reference to General Qualifications, respondents noted that they were more likely to receive applications for post-results services and therefore invoices would not be clear until after that time.
228. In contrast, a minority of respondents noted that they took payment at the point of registering learners. This was more prevalent among respondents delivering vocational qualifications where enrolments were made online. Fees were also broken down into registration, delivery, award/certification in some cases.

229. Most awarding body respondents were not supportive of the proposal to require them to provide quotes to potential purchasers. A wide range of practices were described by these respondents, including the use of online information management systems to register learners, which would make generating quotes difficult or not possible.

230. One case study showed an example where a VQ awarding body takes payments online at the point of registering learners, as follows:

- Centres logging into an account on the awarding body’s website
- Centres entering the qualifications that they wished to purchase
- An invoice was generated using this information
- Payment was made

231. Similarly, one awarding body respondent described how they require centres to confirm in writing by email the total price of their order prior to purchase, and as a result, a quote was not considered necessary.

232. Around half of awarding body respondents felt that producing a quote was burdensome in terms of resource and would require updating IT systems. Of these, very few suggested that a purchase order would be less burdensome than a quote.

233. In conclusion, our review has raised three important issues around Condition F – making fee information publicly available; providing qualifications only and not just as part of a package; and providing breakdowns within invoices.

234. It is clear that purchasers are not always clear about the price they would need to pay. Similarly, invoices were not always clear due to insufficient breakdowns of costs and were not necessarily in line with financial processes one would normally expect outside of the qualification system.

235. We have tested some early proposals with a sample of awarding bodies in focus groups and are carrying out additional work this autumn to investigate the issues
further. Ofqual is also looking into Condition F and recently launched a call for evidence focused on the availability of information.

236. We will therefore carry out further work with our fellow regulators over the coming months to investigate these areas more fully, with a view to aligning any proposals for consultation.

5.12 Appeals process

237. Condition I1 requires an awarding body to establish, maintain and comply with an appeal process for the following three purposes:
   i. appeal of the results of assessments;
   ii. decisions regarding reasonable adjustments and special considerations, and
   iii. decisions relating to any action to be taken against a learner or a centre following an investigation into malpractice or maladministration.

238. The above appeals process must also provide, for all appeal decisions at least one decision maker who is independent of the awarding body.

239. A few respondents noted the distinction between their appeals process, which relate to awarding, reasonable adjustments etc, and their complaints processes which would deal with how their process was followed.

240. Similarly, a few respondents noted that some elements of i-iii above were included within their complaints process, as opposed to their appeals process. However, this did not preclude learners from appealing such decisions. As such, they felt that the distinction was not clear enough in the current Condition and could lead to inappropriate use.

241. Most respondents felt that public confidence in any appeals process was important, and they felt that ensuring a strong level of independence, as required by Condition I.2(c) would support this. It was noted that appeals from centres can be quite targeted and legalistic and would be likely to target the independence of the reviewer. As a result, ensuring that the requirement was commonly understood across awarding bodies was considered crucial.

Extended Grounds for Appeal

242. The findings of our review have highlighted that awarding bodies perceive the newly introduced extended grounds for appeal in relation to GCSE and GCE\textsuperscript{11} to be

\textsuperscript{11} It should be noted that these requirements are outlined in our Additional Standard Conditions for Recognition GCSE/GCE, and therefore do not apply to all recognised awarding bodies in Wales.
problematic, as they believe that independent persons were required to understand a particular mark scheme while remaining somehow independent.

243. A few respondents also noted that its introduction had raised expectations, with some of the view that an independent review of a mark will result in a ‘re-mark’ of the script.

“It is not just procedural grounds that appeals can be made, linked to further updates on this area from regulators, as the mark awarded can now be appealed at A-level and at GCSE moving forward.” – Awarding body response

244. Therefore, the review has highlighted that there are inconsistencies in awarding bodies’ understanding of these requirements. We will explore whether clarity is needed in terms of the wording of these particular requirements, or whether there are additional forms of clarification that could be provided.

Independent decision makers

245. As reported in our summary report for tranche 2, evidence received as part of the review suggest that current practices of awarding bodies’ internal appeals processes vary significantly, and that they do not necessarily reflect the wording of the current Condition. This is largely due to various interpretations of the requirement in I1.2(d).

246. A few respondents suggested that the lack of clarity as to who and when persons previously not connected to the original decision should be involved could lead to an awarding body upholding or overruling this decision at a final stage in the appeals process.

247. To that end, most respondents felt that clarity in a revised Condition would provide a positive impact, ensuring that such persons are involved in the final decision taken as part of the appeals process.

“All appeals policies include a role for independent parties, but this is often at a late stage of the process with many appeals concluded before that stage is reached – i.e. without the independent party being involved.” – Awarding body response

248. A minority of respondents noted that they did not have formal processes in place to identify suitable persons. Of these, a few described how they have informal agreements in place with other awarding bodies who supply appropriate staff. Others confirmed that they did not have persons in place at that time.
249. Overall, awarding bodies offering General Qualifications and their representative body explained that they have reciprocal arrangements in place to provide for each other.

**Interpretation of ‘appropriate competence’ and ‘personal interest’**

250. The review has highlighted that awarding bodies are unclear about who could be considered appropriate to perform the role of independent reviewer. Respondents outlined many different approaches currently in use and questioned whether these would be deemed as sufficiently independent, and whether those persons could be considered as having a conflict of interest.

251. Around half of respondents felt that ‘appropriate competence’ was subjective and hard to define. Some participants suggested that this could be taken to mean that the person had knowledge of the awarding body’s appeals process, therefore being able to make a judgement as to whether that process had been followed. A small number also noted that if competence included subject knowledge, appropriate persons could be difficult and expensive to procure.

> "Many interpret this in such a way as a teacher who assesses their own student has a conflict of interest although this is standard practice with vocational qualifications. The ambiguity comes with the wording personal interest. I think this could be made more explicit." – Awarding body response

252. We received many comments about the current wording – “or otherwise connected to it”. Many felt this was difficult to comply with as most people are connected by the very nature of being asked to undertake the review.

253. Awarding bodies asked us whether a person would be sufficiently independent if paid for carrying out the work. To that end, many respondents wished to see further guidance or additional clarification provided as to who might reasonably be expected to act in this capacity.

**Frequency and costs of appeals**

254. The majority of respondents noted that they had very low numbers of requests for appeals, limited to less than four a year. This was particularly true for awarding bodies offering vocational qualifications, where appeals over grades or reasonable adjustments are less likely. A few respondents confirmed that they had established practices of carrying out no more than one to two independent reviews over a period of 18-24 months.
255. Evidence received as part of the review suggests that using related persons which would not require a fee tended to keep costs at a minimum. Costs in such instances were limited to legal costs and internal staff resources. By contrast, those who noted the use of other types of independent persons could pay a significant consultancy fee for their services.

“It is very expensive to get an appeal assessed by someone that is not connected to the AO. I think the decision can be made fairly and impartially with the remaining clauses in 11.2.” – Awarding body response

256. A minority of respondents suggested that facilitating an independent review would be costly and burdensome, with a few noting that they require centres to be recognised or accredited. As a result, there could be additional appeals processes for these purposes, which would lead to additional cost and/or burden.

257. It was suggested that smaller organisations could have more difficulty than larger ones in identifying appropriate reviewers and paying for such a service when required. However, the number of occasions that awarding bodies had needed to arrange independent reviews were very small and therefore the potential impact of paying for a reviewer was not deemed onerous.

258. It is clear therefore that there is a need for further clarity in relation to Condition I1. This is particularly true in relation to the stage in which an independent reviewer should be introduced as part of the appeals process. Around half of respondents stated a preference for a form of guidance with examples of compliance and non-compliance to accompany any revisions to the Conditions themselves.

259. Through the course of our review, we have developed proposals for a revised Condition I and are currently discussing our findings with fellow regulators.
Chapter 6: Guidance to accompany the Conditions

260. Early in our review, it became apparent to us that awarding bodies did not necessarily feel that revisions to the Conditions would always achieve our aim of providing greater clarity; rather, they felt that in some cases further guidance from regulators was necessary.

261. Ofqual produce statutory guidance to their General Conditions for Recognition, in accordance with section 153 of the Apprenticeships, Skills, Children and Learning Act 2009 (the ‘2009 Act’).

262. Whilst all awarding bodies\textsuperscript{12} have a legal obligation under the 2009 Act to have regard to this guidance for any qualification that is regulated by Ofqual. However, awarding bodies are not required to give due regard to such guidance when complying with our Conditions in Wales. Most respondents accepted that the guidance was produced by Ofqual and not Qualifications Wales, but in the absence of any additional guidance continued to apply the Ofqual guidance in Wales.

263. Similarly, the Federation of Awarding Bodies (FAB) and the Joint Council for Qualifications (JCQ) both provide advice, training and discussion forums to their members about regulatory matters. FAB has also recently published a handbook for Qualification Managers\textsuperscript{13}.

264. Throughout this document we have drawn attention to areas where awarding bodies highlighted that they would welcome additional forms of guidance and support.

265. One notable example that emerged early on in the review was the use of regulator logos and when to include these on certificates in a three-country context. In response, we worked with our fellow regulators to produce a guidance document, which was subsequently published on all three regulators’ websites on 6 April 2018\textsuperscript{14}.

266. We also commissioned a piece of work to explore in more detail what awarding bodies would find helpful, having expressed the need for more guidance in many instances throughout the review.

267. This work involved reviewing the existing guidance available, identifying good practice adopted by regulators in other sectors and advice provided by regulators in

\textsuperscript{12} Awarding Organisations for the purposes of the 2009 Act

\textsuperscript{13} This handbook is available to FAB members only

\textsuperscript{14} https://qualificationswales.org/english/publications/using-regulators-logos-on-certificates/
general. A series of semi-structured interviews were conducted with a sample of awarding bodies across a range of sectors and sizes between February and March 2018.

268. This work was completed in March 2018 and has informed our review of the Conditions and the nature of accompanying guidance we may choose to provide.

269. Awarding bodies vary depending on factors such as the size and nature of the organisation, or the experience of the Responsible Officer. As a result, they have very different needs and requests for guidance. These broadly fall into three areas:
   i. new and inexperienced awarding bodies and/or Responsible Officers requesting full guidance and training on all or most matters and would benefit from support in developing a network from across other awarding bodies of a similar kind;
   ii. moderately confident awarding bodies and/or Responsible Officers who would benefit from and would like to have more guidance and support in key areas as well as more opportunities for networking, workshops, and other formats of support; and
   iii. well established and large awarding bodies, usually in membership organisations, and/or with experienced Responsible Officers, who do not require guidance and would be happier to keep wording as flexible and loose as possible for their interpretation.

270. The majority of respondents clearly told us that one guidance document was not their preference, but rather a selection of bite size and thematic guidance documents. In addition, they told us they would like to see new forms and formats such as apps, videos, case studies and webinars.

271. The user guidance video produced for the first online SoC submission in 2017 was deemed to be extremely useful, with respondents requesting further guidance of this kind in future. Similarly, the introduction of our Frequently Asked Questions (FAQs)\textsuperscript{15} in 2018 was identified as a positive.

272. The majority of awarding bodies reported that they look at the regulatory actions and interventions taken by each regulator that are published on their websites, and subsequently review their own processes and/or procedures against these. Around half of respondents said that regulatory actions and interventions taken had encouraged them to change practices.

\textsuperscript{15} \url{https://qualificationswales.org/english/information-for-stakeholders/for-awarding-bodies/how-to/}
273. The review has identified a number of areas where thematic guidance and/or forms of clarification would aid understanding and compliance to our Conditions in Wales. These include the following:

- Qualifications Wales’ Regulatory Framework and Approach;
- An introduction at the beginning of each section, explaining overall aim of requirements;
- Inter-relationship between Conditions;
- Applicability of Conditions in a Vocational Qualifications context;
- Role of Responsible Officer and its relationship with Senior Officers;
- Conflicts of Interest;
- Malpractice and Maladministration;
- Risk management, contingency planning and adverse effects;
- Incident management, notification and reporting;
- Arrangements with Third Parties and Centres;
- Arrangements with Publishers and endorsement of resources;
- Assigning a value for Credit, Total Qualification Time (TQT) and Guided Learning Hours (GLH);
- Sharing information with other awarding bodies;
- Recognition of Prior Learning (RPL)
- Marking; and
- Moderation.

274. Our review has demonstrated that support and guidance for awarding bodies is just as important as the revision of the Conditions.

275. We are therefore proposing to develop guidance of various forms and in various formats over the coming 12-18 months in response to the review’s findings and proposed revisions.
Chapter 7: Next steps

276. At the outset, we said that we would consult on any revisions to our Conditions this autumn, with a view to publishing a revised version of the Conditions in Spring 2019, for them to be effective from September 2019.

277. In light of the decision to work with Ofqual and CCEA Regulation to discuss possible revisions and with the aim of aligning Conditions as much as possible, we are also planning on consulting together from April 2019.

278. Our fellow regulators will also bring their own views, analysis and perspectives on potential further revisions to the Conditions. Where we draw the same conclusions, we are committed to working together to align any revisions as much as reasonably possible.

279. It should be noted that each regulator will retain its own version of its Conditions of Recognition. Therefore, a consultation would seek the views of stakeholders on proposed revisions to each regulator’s respective Conditions.

280. Following consultation, a joint analysis of responses will be carried out and all three regulators will subsequently agree on revisions and areas for divergence.

281. As a regulator, we want the awarding bodies that we regulate to understand the reason for and to be compliant with our rules and regulations. Similarly, we recognise that awarding bodies will need some time to ensure compliance with any revisions to the Conditions.

282. We aim to publish our revised Conditions in October 2019, to become effective from April 2020 and will carry out a rolling programme of support and guidance for awarding bodies during their roll out.

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16 The Conditions of Recognition will continue to be referenced as ‘Standard Conditions of Recognition’ in Wales. These will continue to be referenced as ‘General Conditions of Recognition’ in England and Northern Ireland.
Acknowledgements

We would like to take the opportunity to thank all respondents who participated in our review of the Conditions and gave their time to share their views and provide us with the extensive body of evidence on which this report is based. We value all contributions.

Further Information: Strategic Policy Team Qualifications Wales Q2 Building Pencarn Lane Imperial Park Coedkernew Newport NP10 8AR policy@qualificationswales.org
Appendix A: Stakeholder Panel members

Qualifications Wales' Stakeholder Panel for the Review of Standard Conditions of Recognition included the following organisations:

- Qualifications Wales
- Ofqual
- CCEA Regulation
- WJEC-CBAC
- Pearson Education
- City and Guilds
- Agored Cymru
- NCFE
- Scottish Qualifications Authority (SQA)
- Sports Leaders UK
- Vocational Training Charitable Trust (VTCT)
- YMCA Awards
- FDQ Ltd
- Federation of Awarding Bodies (FAB)
- Joint Council for Qualifications (JCQ)
**Appendix B: Focus Group Attendees**

Qualifications Wales’ Focus Group attendees for the Review of Standard Conditions of Recognition included the following organisations:

- AAT Qualifications
- ABC Awards
- Agored Cymru
- Ascentis Awarding Organisation
- Associated Sports Qualifications (ASQ)
- WJEC-CBAC
- The Chartered Institute of Housing (CHI)
- City & Guilds
- EAL Awards
- English Speaking Board International (Ltd)
- Equestrian Qualifications GB Limited (EQL)
- Federation of Awarding Bodies (FAB)
- Fire Industry Association Awarding Organisation
- FutureQuals
- The Institute for Motor Industry (IMI)
- Lantra
- The Office of Qualifications and Examinations Regulation (Ofqual)
- Oxford Cambridge and RSA (OCR)
- Pearson
- Propertymark Qualifications
- Royal Society for Public Health (RSPH)
- Sports Leaders UK
- Trinity College London
- The Worshipful Company of Spectacle Makers (WCSM)