

Engagement of draft 'Rules about Applications for Designation of Qualifications'

We are seeking your views on our draft Rules regarding Applications for Designation of Qualifications. We also ask you to consider a summary of the matters we propose to include in our policy which will inform our decision to designate a qualification.

The engagement document outlining the policy summary and draft rules, and the engagement questions can be viewed [here](#).

We would encourage you to respond to this engagement activity using the online form available [here](#)

Alternatively, you can respond via email or by requesting a telephone or face-to-face meeting. Please contact recognitionandapproval@qualificationswales.org.

Responses to this engagement should be received by 18:00 on 12th January 2018



Engagement of draft 'Rules about Applications for Designation of Qualifications'

Engagement questions

Date of Issue: **Friday 15th December 2017**

Action Required: **Responses by 18:00, Friday 12th January 2018**

Overview This engagement activity is being conducted to seek your views on our the summary of the matters we propose to include in our policy which will inform our designation decisions. The engagement activity is likely to be of most interest to awarding bodies but we value the views of other organisations or individuals as well.

How to respond We would encourage you to respond to this engagement activity using the online form that is available at <https://www.smartsurvey.co.uk/s/Designation/>

You can also respond by completing the questions included in this document, by emailing us your views or by requesting a telephone or face to face discussion. Please contact recognitionandapprovals@qualificationswales.org.

Responses should be received by Qualifications Wales by 18:00 on 12th January 2018.

The draft policy summary and rules are included in this document, along with the engagement questions.

The responses received will inform the final version of the Policy and **'Rules about Applications for Designation of Qualifications'**.

Further Information and related documents Qualifications Wales Act 2015 - <http://www.legislation.gov.uk/anaw/2015/5/contents/enacted>
Regulatory Appeals policy – <http://qualificationswales.org/media/1897/160625-v20-regulatory-appeals-policy-eng.pdf>

Contact details For further information:
Email: recognitionandapproval@qualificationswales.org

Data protection **How the views and information you provide us will be used**

We will analyse and consider all responses received to this engagement activity. They will be used to inform further changes and developments to the Designation Policy and Rules about Applications for Designation of Qualifications document.

At the end of the questionnaire, there is the option to provide contact details so that we can contact you for clarification of your answers. All personal data that we hold will be retained in accordance with UK Data Protection Law. It will only be used for the purpose of developing and reviewing the policies incorporated in this engagement activity. Your comments may be used in a published document, however, your contact information will not.

As we are a public body, all the written material we hold, including any correspondence you send to us, may be considered for release following a request under the Freedom of Information Act 2000. The law does allow us to withhold information under some circumstances. However, there may be rare instances when we must release this information. In these circumstances, we will endeavour to inform you of this decision.

Preamble

The work of Qualifications Wales centres around two principle aims:

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

Our aim is for the work we do to have regard to the [five principles of better regulation](#), devised by the Better Regulation Taskforce. They are:

- Proportionality
- Accountability
- Consistency
- Transparency
- Targeting

It is our intention that undertaking this engagement exercise will help us to ensure that the policy and rules presented meet these principles, thereby improving the quality of our designation processes.

There are no changes in the substance of the requirements on awarding bodies as all requirements are either within Standard Conditions of Recognition or the current designation criteria.

Engagement Questions

General Questions

1. Do the draft 'Rules about Applications for Designation of Qualifications' provide clarity about the information that Qualifications Wales needs to be able to consider a qualification for designation?

Yes No

If No, please state how you feel the clarity of information could be improved:

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2. Do the draft 'Rules about Applications for Designation of Qualifications' provide clarity about the process that awarding bodies should follow to apply for its qualification to be designated?

Yes No

If No, please state how you feel the clarity of the process could be improved:

3. Do the draft 'Rules about Applications for Designation of Qualifications' provide clear guidance on the supporting evidence that will be accepted for the designation of different types of qualifications?

Yes No

If No, please state how you feel the guidance could be improved:

4. Having reviewed the draft 'Rules about Applications for Designation of Qualifications' is there any further information you feel would clarify the process of designation?

Yes No

If Yes, please state what further information you feel would clarify the designation process:

5. We have asked a number of specific questions relating to the 'Rules about Applications for Designation of Qualifications'. Please use the space below to note any further comments.

6. Do you agree with the matters we propose to include in our policy which will inform our decision to designate a form of qualification?

Yes No

If No, please explain further.

Additional Information

Are you responding on behalf of an organisation or as an individual?

On behalf of an organisation

Individual

If you are responding on behalf of an organisation, please select the option below that best describes your organisation (if applicable):

Awarding body

Education or training provider

Other (please specify)

.....

If you are happy for us to contact you for clarification of any of your responses, please leave your name and email address in the space provided below. All information will be held in accordance with UK Data Protection Law and will only be used to seek clarification of responses. We will not publish any contact details within our summary report of this engagement activity. However, as we are a public body, all the written material we hold may be considered for release following a request under the Freedom of Information Act 2000.

Contact information

Name:

Email Address:



Regulatory Document
POLICIES AND PROCEDURES

Rules about Applications for Designation of Qualifications

XXXXX 2017

Version control

This version (1) of Qualifications Wales' Rules About Applications for Designation of Qualifications was approved by the Qualifications Wales Board on XXXXXXXXXXXX 2017.

Formal reviews of this document will take place at least every three years and will include a review of the effectiveness of the rules and its currency. Its next review is due to take place no later than XXXXXXXXXXXX 2020. Feedback from the public on this regulatory document is welcomed in the meantime. Please send your comments to policy@qualificationswales.org

General Principles of the Rules About Applications for Designation of Qualifications

This document is for a recognised awarding body who wishes to apply for its qualification to be designated by Qualifications Wales. Under section 33 of the Qualifications Wales Act 2015 we must make rules about the making of applications to us for the designation of qualifications.

The aims of the rules are to provide clarity to a recognised awarding body on:

- i) the information that Qualifications Wales needs to be able to consider a qualification for designation.
- ii) the process to apply for its qualification to be designated.

Before applying, an awarding body should read this document in conjunction with any published:

- i) Designation Policy
- ii) Priority Qualifications List¹
- iii) QiW Awarding Body Guide to Designation

An awarding body must only submit a qualification for designation where it is satisfied that the qualification is not on the Priority Qualifications List and that Qualifications Wales has not published any approval criteria for the qualification and has not indicated that it will be considering applications for approval for this qualification.

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EVIDENCE RELATING TO THE MATTERS WE WILL TAKE INTO ACCOUNT WHEN DECIDING WHETHER TO DESIGNATE A QUALIFICATION

The designation policy outlines which matters we will take into account when deciding whether to designate a qualification.

To satisfy ourselves that these are met, we will only designate qualifications where:

1. There is demand for the qualification from candidates in Wales at the relevant age range(s) [this requirement relates to Standard Condition of Recognition E1.3 and E1.4]

In the context of designation, this evidence of demand must:

- i. Be from a centre and presented either by email or letter, and dated within the last academic year
- ii. Include the full title of the qualification
- iii. Show demand from the lowest age range that you're requesting designation for. Letters from multiple centres can be submitted.
- iv. Potential number of candidates - based either on the previous year figures or centre planning figures
- v. Brief explanation as to why they are interested in offering this qualification

If the qualification submitted is replacing an earlier version of a qualification, (i.e. a qualification of the same level, in the same subject, targeting the same type of learners for the same purpose) the awarding body should note this on the submission, along with the old qualification number. Evidence of registrations for the qualification being replaced will be accepted as evidence of demand in place of the evidence options listed above.

Please note:

- Awarding bodies do not need to submit evidence against this criteria in relation to:
 - qualifications that have been accepted onto Welsh apprenticeship frameworks
 - GCSEs, AS and A levels

2. There is support from relevant end users or stakeholders [this requirement relates to Standard Condition of Recognition E1.3, E1.4 and E1.5]

In the context of designation, the evidence of support must:

- i. Be representative and related to the intended purpose and progression route of the qualification (please see annex a)
- ii. Include the full title of the qualification
- iii. Include the applicable age range(s)
- iv. Include a brief explanation as to why the qualification is supported

The support can be in the form of:

Either A signed letter from a senior member of staff of a relevant body on headed paper or an email from a company or organisation, and dated within the last calendar year

OR

A credible document such as an internal business case which includes details of consultation with relevant end users, or minutes of a consultation meeting with relevant end users

OR

A description of qualification development undertaken detailing engagement with relevant stakeholders

Please note:

- Awarding bodies do not need to submit evidence against this criteria in relation to:
 - qualifications that have been accepted onto Welsh apprenticeship frameworks.
 - GCSEs, AS and A levels
 - Entry Level Qualifications

- If an Awarding Body is also a professional/industry or sector body, and wishes to submit support from the professional/industry or sector body arm, it must complete and submit the conflict of interest declaration at annex b.

- If you are seeking designation for a qualification that is part of a suite, and you have already submitted evidence of support in relation to another relevant qualification within the suite, you will not need to supply the support again, but note the relevant qualification number in your submission

3. References to legislation, policies and organisations within the qualifications are applicable in Wales [this requirement relates to Standard Condition of Recognition D1.1]

Additional sector or occupation specific requirements relating to areas where the Welsh Government has devolved powers may be identified over time. Where this happens, we will give awarding bodies advance notice of the introduction of these specific requirements and will issue a revised version of this guide.'

4. The qualification is appropriate for the age ranges selected. In particular, if the qualification to be designated for pre-16 learners, the qualification should not normally attest to occupational competence [this requirement relates to Standard Condition of Recognition D1.1].

We need the awarding body to:

- i. Confirm that there are no health and safety issues due to the age of potential students
- ii. Ensure that qualifications for pre16 students do not attest to competence (and are not classified as 'CVET')

5. Additional requirements for GCSEs, AS and A levels

We will only consider designating GCSEs, AS or A level qualifications if:

- The qualification is offered in a subject in which there is no GCSE qualification approved by Qualifications Wales, or a subject in which there is no GCE qualification approved by Qualifications Wales
- If the qualification is offered in a subject for which Ofqual has not published subject-specific regulatory requirements, the qualification must:
 - o Have gained accreditation from Ofqual, and
 - o Be offered in Wales as a designated qualification in the same form as it is regulated by Ofqual
- If the qualification is offered in a subject for which Ofqual has not published subject-specific regulatory requirements, the qualification must:
 - o Be offered in a subject that is already designated by Qualifications Wales as a GCSE or GCE qualification, and
 - o Comply with any regulatory requirements included by Qualifications Wales on its Regulatory Documents List for GCSEs, AS and A levels for first teaching prior to the academic year 2015/2016
- The awarding body offering the qualification must have and will at all times maintain a published policy statement explaining to users whether the qualification is available through the medium of Welsh, or English, or both.
- The policy must explain:
 - o The basis on which the awarding body will offer the qualification through the medium of Welsh, where it chooses to do so, and

- What aspects of the qualification, including supporting materials, the awarding body will make available through the medium of Welsh.

Please contact us if you would like to discuss potential evidence before submitting a qualification for designation.

THE PROCESS FOR REQUESTING DESIGNATION

All requests for designation will be submitted to QiW, and our feedback will also be made on QiW. Further information on QiW and the details of submitting a qualification onto QiW can be found in [QiW guide]

Before submitting a qualification for designation, an awarding body must assure itself that the qualification complies with the requirements of its Conditions of Recognition, making any changes to the qualification which are necessary for that purpose, in line with Standard Condition of Recognition E5.1.

Awarding bodies must also ensure that its submission of qualification to QiW contains all the information required, and that the information is accurate, in line with Standard Condition of Recognition E6.2. In order for a qualification to be considered for designation, QiW requires Awarding bodies to submit information relating to Standard Conditions of Recognition E1.2, E2.1, E3.1, E7.1, E9.1 and provide evidence relating to Standard Conditions of Recognition E1.3, E1.4 and D1.1 as outlined in the section 'Evidence relating to....'.

We will then check that the information submitted is fair and accurate, and may also check compliance against Standard Conditions E1.1, E3.2.

Via QiW, we will let you know that your qualification has been designated or let you know which of our requirements have not been met and what further evidence or action we require of you. You can then resubmit.

AMENDMENTS TO DESIGNATED QUALIFICATIONS

Awarding bodies should be reviewing their qualifications before the Operational End Date. Six months before the Operational End Date, QiW will send the relevant awarding body an automated reminder that the end date is approaching. This should prompt awarding bodies to consider whether the Operational End Date needs to be amended.

If the new Operational End Date is within five years of the start date of the qualification, you will only be required to complete the Amendment Form – we will not require any further supporting evidence.

For new Operational End Dates of more than five years from the start date of the qualification, we will require evidence of support as listed in the evidence section above.

Annex a – supporting evidence additional guidance

If a qualification spans more than one of the categories below, please select the most relevant based on the main purpose of the qualification.

	Support Required (All evidence must be signed and dated by a relevant senior manager, and submitted on headed paper)
Qualifications that prepare learners for further learning in school	Either: <ul style="list-style-type: none"> - Letter from a regional consortium or school in Wales, focussing on the relevance of the qualification for further study OR <ul style="list-style-type: none"> - Evidence of a recent qualification review that demonstrates support from schools in Wales OR <ul style="list-style-type: none"> - An agreed business plan or formal minutes demonstrating evidence of support from schools in Wales This evidence could cover both support and demand
Qualifications that prepare learners for further learning in Further Education	Either: <ul style="list-style-type: none"> - Letter from a Further Education college in Wales, focussing on the relevance of the qualification for further study OR <ul style="list-style-type: none"> - Evidence of a recent qualification review that demonstrates support from Further Education colleges in Wales OR <ul style="list-style-type: none"> - An agreed business plan or formal minutes demonstrating evidence of support from Further Education colleges in Wales This evidence could cover both support and demand
Qualifications that prepare learners for Higher Education	Either: <ul style="list-style-type: none"> - Letter from an UK Higher Education Institution OR <ul style="list-style-type: none"> - Evidence of a recent qualification review that demonstrates support from UK Higher Education Institutions OR

	<ul style="list-style-type: none"> - An agreed business plan or formal minutes demonstrating evidence of support from UK Higher Education Institutions
Qualifications that prepare learners for further learning with a Work based learning provider or training provider	<p>Either:</p> <ul style="list-style-type: none"> - Letter from a Work based learning provider or training provider <p>OR</p> <ul style="list-style-type: none"> - Evidence of a recent qualification review that demonstrates support from a Work based learning provider or training provider <p>OR</p> <ul style="list-style-type: none"> - An agreed business plan or formal minutes demonstrating evidence of support from a Work based learning provider or training provider
Qualifications that: - give learners personal growth and engagement in learning	<p>Either:</p> <ul style="list-style-type: none"> - Letter from a relevant centre or organisation in Wales, focussing on the relevance of the qualification for personal growth and engagement in learning <p>OR</p> <ul style="list-style-type: none"> - Evidence of a recent qualification review that demonstrates support from a relevant centre or organisation in Wales <p>OR</p> <ul style="list-style-type: none"> - An agreed business plan or formal minutes demonstrating evidence of support from a relevant centre or organisation in Wales
Qualifications that: <ul style="list-style-type: none"> - Prepare learners for employment - Support a role in the workplace - Demonstrate competence 	<p>Either:</p> <ul style="list-style-type: none"> - Letter from a relevant professional/sector body with a remit that covers Wales <p>OR</p> <ul style="list-style-type: none"> - Letter from the Head Office of a large/significant relevant employer who is active in Wales <p>OR</p> <ul style="list-style-type: none"> - Letters from a minimum of 3 smaller relevant employers active in Wales <p>OR</p>

	<ul style="list-style-type: none"> - Evidence of a recent qualification review that demonstrates support from any of the stakeholders listed above <p>OR</p> <ul style="list-style-type: none"> - An agreed business plan or formal minutes demonstrating evidence of support from any of the stakeholders listed above
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Annex b – conflict of interest declaration for awarding bodies that are also professional bodies offering support for the qualification

If an awarding body is submitting support by the professional body arm of the same organisation, it must complete and submit the following declaration, which must be signed by a relevant senior member of staff.

'I confirm that xxx is both a professional body and a recognised awarding body. We have a conflict of interest policy and take care to maintain divisions between any awarding body activity and our professional body activity.

The professional body has no direct involvement in the development or award of our qualifications.

Signed

Dated'

Development of a Designation Policy

At the same time as developing our Rules about Applications for Designation, we are developing a Designation Policy. We will aim to publish this policy in due course. Our aim is for the policy to explain how we will exercise our functions in relation to the designation of qualifications.

Please find below a summary of the matters we propose to include in our policy which will inform our decision to designate a form of qualification, which is provided here to support our engagement exercise on the Rules about Applications for Designation.

Matters we propose to include in our policy which will inform our decision to designate a form of qualification

We propose that we will only designate a recognised awarding body's form of qualification where we are satisfied that the following requirements are met:

- i. that it would be appropriate for a course of education or training which leads to that qualification, and which is provided or is proposed to be provided by or on behalf of a school or institution or employer, to be publicly funded.
- ii. that it is currently appropriate for us to designate the qualification, rather than to publish approval criteria for it;
- iii. that the qualification is relevant to the organisational and public policy context of Wales;
- iv. that the qualification is appropriate for the age ranges of potential candidates. In particular, if the qualification is primarily awarded to a course of education or training normally undertaken by pre-16 learners, the qualification should not attest to occupational competence, or be focused on specific occupations;
- v. that the qualification is not currently included on our [Priority Qualifications List](#); and

- vi. that the qualification is not the same as, or similar to, a qualification which is currently approved by us, or for which we have published approval criteria. In determining this, we may consider a number of factors, including but not restricted to:
 - I. Subject sector area
 - II. Purpose and any sub-purpose
 - III. Audience (age-ranges and levels)

Revocation of designation

When deciding whether to revoke designation, we propose to consider the following matters:

- i. whether we discover, following the commencement of the designation, that a designated qualification is the same as or similar to a qualification that we have currently approved, or which is listed on the Priority Qualifications List;
- ii. whether the designated qualification is the same as, or similar to, a qualification that we have subsequently approved since the original date on which we designated the qualification (for example when we seek to restrict qualifications);
- iii. whether we deem an awarding body to have been non-compliant with our Standard Conditions of Recognition and we have withdrawn their recognition; or
- iv. whether skill requirements in a relevant sector of employment have changed significantly since the date of designation, so as to negatively impact the value of the qualification for users.