



Consultation Policy

MAY 2021



Version Control

This is Version 3 of Qualifications Wales' Consultation Policy and following a review conducted in 2020-21 was approved and subsequently published in May 2021.

We keep our policies under review and any feedback on this policy is welcomed at any time. If you have any feedback on this policy, please send your comments to policy@qualificationswales.org.

This policy is also available in [Welsh](#).

Preface

In this updated version of our policy, we set out our approach to consultation. We are living and working during a rapid time of change and this means that how and what we consult on, as well as how we otherwise engage or communicate with stakeholders, has increased importance to us as an organisation. Listening to stakeholders and receiving feedback is very important to us and at the heart of the way we work.

As the independent regulator of qualifications in Wales, it is our role to promote public confidence in qualifications and protect the interests of learners taking those qualifications.

Our values are pivotal in how we ask stakeholders for feedback:

- Collaborative – in the way we work
- Thoughtful – in the approaches we take
- Positive – in our outlook
- Learning – from experience and others

Introduction

1. As required by the Qualifications Wales Act 2015 ("the Act"), this statement sets out circumstances in which we propose to carry out consultations in respect of the exercise of our functions, and, the manner in which we propose to do so.
2. Section 47(3) of the Qualifications Wales Act 2015 (the "Act") requires us to publish a statement of our policy with respect to consultation. We will keep policy statements prepared under Section 47 of the Act under review, and if we consider it appropriate in consequence of a review, prepare revised statements.

Definition of Consultation

3. Listening to people and asking for feedback is important to us and at the heart of the way we work. We communicate and work closely with and involve a wide range of stakeholders as our role is to promote public confidence in qualifications and protect the interests of learners taking those qualifications.
4. With this in mind, our communication and engagement strategy outlines our wider corporate activities, whereas this policy focuses in particular on formal consultations. For the purpose of this policy, consultation is clearly defined and separate from wider engagement carried out by us.
5. By consultation we mean the process of formally asking for, and listening to, the views of stakeholders on a question, a proposal, or a set of options that we have published, and where the scale of change and/ or impact is anticipated to be significant, novel or contentious.
6. In this regard, we seek approval from Qualifications Wales Board before we consult and as outlined in the scheme of delegation, on the following:
 - matters that will have a significant impact on qualifications or the qualification system; and
 - policy or proposals that are novel, contentious or of particular national significance.
7. Typically, consultations are occasions when we set out our proposals in writing and publish these in the form of a consultation document and invite the public, external stakeholders, or a targeted group to provide feedback on them. Usually, we will pose a series of questions about our proposals and invite responses in a structured way.
8. This policy does not relate to occasions where we write to one or more awarding body about formal regulatory action we take in relation to compliance.

General Principles

9. We are committed to meaningful consultation. We will consult when we wish to ask for feedback on proposals and when that feedback can inform our decision-making in a timely and meaningful way, and prior to making any final decision. In this regard, consultations form part of our decision-making process, which in turn will inform quality decision-making and transparency.
10. We will also have due regard to the following principles and ensure that our consultations are:
 - **Timely:** we will aim to ensure that our consultations are at a formative stage so that feedback can inform decision-making;
 - **Proportionate:** we will consider the scale of the proposals and the potential impact of them on stakeholders; and consider the extent to which consultees would be able to respond appropriately within the timeframe and in an informed way;
 - **Targeted:** we aim to ensure that our consultations are open and inclusive and encourage people to respond, while also considering the nature of the consultation and target audience so that we target those likely to be affected and statutory consultees;
 - **Impactful:** the more serious or significant the impact, the more likely it is that the views and concerns of those affected should be consulted upon before a decision is taken; and
 - **Evidence-based:** we will conscientiously consider and use information gained from consultations to make appropriate, evidence-based, judgements in decision-making. We will acknowledge concerns and will provide feedback on how stakeholder input influenced the outcome.
11. The outcomes of consultations will be considered within the context of the Principal Aims and the eight matters in the Qualifications Wales Act (2015), namely to:
 - ensure that qualifications and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales; and
 - promote public confidence in qualifications and in the Welsh qualification system.

Circumstances when we will consult

12. Whether we consult will depend on the nature and/or scale of our proposals and the likely impact of our decisions. Where our proposals are likely to lead to large scale change or could have adverse impacts, or may be contentious, we will usually consult.

13. Subject to the principles set out in this policy, we propose to carry out consultations in, but not limited to, the following circumstances:
- changes to regulatory policy approaches that may impact on the business plans or finances of awarding bodies;
 - regulatory strategy;
 - significant process change; and
 - qualification reform.
14. Consultation may not be appropriate for minor amendments to regulatory policy, strategy or approaches, or existing policy, or where consultation has previously taken place. In certain cases, the circumstances will not warrant a consultation at all.
15. In exceptional circumstances where time for meaningful consultation is not available, due to the nature of the situation that has arisen, then we will not consult. In such circumstances, we may need to act to protect learners and/or confidence in the system or there may be alternative ways to seek responses.

How we propose to consult

16. When planning a consultation, we will consider matters such as the following:
- the appropriate time to consult bearing in mind the time of year including holidays and other consultations and demands on likely consultees;
 - realistic timeframes to allow for considered responses from stakeholders and to allow us to conscientiously analyse and consider the responses we receive;
 - the need to provide sufficient information for consultees to provide considered responses;
 - other dependencies and the impact of delaying policy implementation; and
 - the novelty and complexity of the proposal.
17. When conducting our consultations, we will encourage people to participate and provide feedback. We will consider which approaches to adopt to communicate the consultation most effectively, taking into account the target audience and user experience, and depending on the nature and scale of the consultation.
18. We will publish our consultation document in Welsh and English and we will facilitate and encourage feedback in both languages. Responses in Welsh will not be treated less favourably than English responses.

19. Our consultations will normally also include a structured way to respond, such as a set of questions, for example, in the form of an online questionnaire or an interview regarding the proposal or options.
20. All consultations will be available on our website.
21. In determining the appropriate methods of consultation, we will consider the:
- method most likely to collect information and/or data that is meaningful, valid, reliable and not subject to bias;
 - intended purpose of the consultation;
 - methods most likely to illicit a response, in particular from the intended audience (including any stakeholders likely to be impacted by the proposals, or hard to reach groups);
 - impact of the issues under consideration as determined by any regulatory or other impact assessments that have been undertaken;
 - range of stakeholders for consultation and how they can best be reached to contribute their views (for example, using methods more accessible to young people when targeting learners); and
 - available resources.
22. As part of our consultation, we will seek feedback on the potential impacts of our proposals, drawing on the impact assessments that we have undertaken. This includes ensuring that we invite feedback from any groups likely to be affected by the proposals (identified through the impact analysis), including awarding bodies and learners.
23. We will review the effects (whether positive or adverse) that the proposal under consideration would have on opportunities to use the Welsh language and treating the Welsh language no less favourably than the English language. We will invite Welsh speakers and Welsh language groups to provide feedback.
24. We will also ask about any impact the proposal under consideration would have on persons sharing protected characteristics¹ under the Equality Act 2010 and we will also include consideration of the impact on learners, children and young people, and the wellbeing of future generations, linked to our wellbeing objectives.
25. If we identify potential negative impacts such as someone being deprived of an existing benefit, we will consider how we consult with those potentially adversely affected so that they have the opportunity to respond.

¹ <http://www.legislation.gov.uk/ukpga/2010/15/section/4>

Consultees

26. Our consultations will normally be open to the public to respond. With consultations, we encourage and welcome responses from all interested parties.
27. There are some consultations which will be targeted, rather than open to the public. There may be occasions when the nature, scale of the impact and change is small or when the proposals only affect one awarding body. In such circumstances, it may be more proportionate to be targeted in our approach and consult with the affected groups only.
28. In determining who to consult, we will seek to ensure that the consultation is open to all stakeholders likely to be affected by our proposals – whether positively or negatively. This will be informed by our Regulatory Impact Assessments or other stakeholder analyses.
29. Our consultations will be designed with the needs of consultees in mind.

Consultation periods

30. Consultations should allow adequate time for consideration and response and therefore will depend on the circumstances.
31. Usually, our aim is for consultation periods to be between eight and twelve weeks. In very exceptional cases, we may decide that a consultation period of as short as two weeks may apply.
32. When deciding consultation timescales, we will be guided by the significance of the proposals in the consultation, the size of the issue and the nature and size of the consultation document itself as well as the reasonable timeframe for consultees to practically complete a response.
33. As part of the process of seeking Board approval to consult, we will seek approval on the length of the consultation period.
34. In all cases, we will ensure that the length of consultation is appropriate and proportionate.

After a consultation has closed

35. We will consider all responses we formally receive as part of a consultation. There is no obligation on us to be bound by the views expressed, but we will explain why we take the decisions we do.
36. We will publish a decisions report setting out the outcome of the consultation. We may publish a report of the responses we received, either in summary form or the responses in full, whichever is deemed appropriate.
37. All personal data collected will be retained in accordance with the UK Data Protection Act (2018) and the General Data Protection Regulations (GDPR). We have published a privacy notice on our website.
38. We will report on the outcomes of consultations on our website.

Accessibility and Equality

39. We will make the consultation document and any supporting materials, such as a questionnaire, as accessible as possible.
40. For our larger public consultation exercises we will normally plan communication approaches to encourage participation from a wide range of consultees.
41. We encourage feedback in the Welsh language and will not treat such responses any less favourably than the English language responses.