



Scheme made under Section 17 of the Qualifications Wales Act 2015



May 2022

Version control

This is version 3 of the Scheme prepared under Section 17 of the Qualifications Wales Act (2015). This version was published on 13 May 2022 following an update to the [Priority Qualifications List and Restricted Priority Qualifications Policy](#) and the [Designation Policy](#).

Feedback on this Scheme is welcomed at any time. Please send any comments to policy@qualificationswales.org.

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

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Introduction

Statutory Basis for the Scheme

In accordance with Part 4, section 17 of the Qualifications Wales Act 2015 (the 'Act'), this Scheme sets out our procedure for approving a restricted priority qualification in the absence of section 15 arrangements. For the purposes of this Scheme, we refer to this as the '**selection route**'.

The Scheme also makes provision about the making of applications for approval by a recognised awarding body, and how we will consider those applications.

The legislative basis for the Scheme is set out below and is made pursuant to Section 17(3) and is published pursuant to Section 17(7) of the Act.

The policy underpinning this procedure is the [Priority Qualifications List and Restricted Priority Qualifications Policy](#).

17 Approval of a restricted priority qualification in the absence of section 15 arrangements

- (1) This section applies for the purpose of the approval by Qualifications Wales of a form of a qualification that is a restricted priority qualification, but in respect of which Qualifications Wales does not propose to enter into arrangements under section 15.

Qualifications Wales may, on an application from a body that is recognised in respect of the award of the qualification concerned, if it considers it appropriate to do so approve a form of the qualification for award in Wales by the body concerned.

- (2) Qualifications Wales must prepare a scheme making provision about—
 - (a) the making of applications for approval under subsection (2);
 - (b) the consideration by Qualifications Wales of those applications.
- (3) Qualifications Wales must exercise its functions in accordance with the scheme.
- (4) The scheme must provide for a procedure that is open, fair and transparent.
- (5) Qualifications Wales may revise the scheme.

- (6) The scheme must be published by Qualifications Wales.
- (7) Subsection (2) is subject to section 21 (power to specify minimum requirements).

Approved qualifications and Priority qualifications

All Approved qualifications have met specific Approval criteria which have been developed and published by us. Recognised awarding bodies must demonstrate that their design of a qualification meets these criteria before we approve that form of qualification and permit them to offer the qualification.

In this way, we ensure that Approved qualifications are designed to meet the needs of learners in Wales. We will ordinarily approve the qualifications for a specific period, and they can only be awarded with the identified approval number in Wales.

Section 13 (Duty to prepare list of priority qualifications) outlines the duty of Qualifications Wales and the Welsh Ministers to jointly prepare a [Priority Qualifications List](#) ("the List")

A qualification may be included on the List "when Qualifications Wales and Welsh Ministers are satisfied that ensuring and maintaining public confidence in the qualification is a priority for Qualifications Wales, by reason of the significance of the qualification having regards to the needs of learners and employers in Wales".

More detail is available in the [Priority Qualifications List and Restricted Priority Qualifications Policy](#).

Restricted Priority Qualifications

Section 14 of the Qualifications Wales Act 2015 gives us powers to restrict the number of forms of a priority qualification that can be approved at any one time.

Approved qualifications may be restricted to avoid inconsistencies between different forms of the same qualification and to enable us to make a choice between different awarding bodies or between different forms of qualification. These are called Restricted Priority Qualifications.

[The Priority Qualifications List and Restricted Priority Qualifications Policy](#) sets out the circumstances where we may decide to limit the number of forms (or 'versions') of a qualification that may be approved at any time.

We will publish a Determination to Restrict which will specify the maximum number of forms of the qualification that may be approved at any one time and may indicate whether we intend to secure the Restricted Priority Qualification via the **commissioning** or **selection** route.

Under Part 4 of the Qualifications Wales Act 2015, we have a duty to prepare, operate and publish two Schemes which outline the processes involved in securing restricted priority qualifications via the commissioning and selection routes.

This Scheme prepared under section 17 of the Qualifications Wales Act 2015 applies in circumstances where we want to select a form of a qualification for approval, and where we do not propose to enter into arrangements under section 15 (**'selection route'**).

General provisions

In selecting a form of a qualification for approval, and where we do not propose to enter into arrangements under section 15, we will act fairly, openly, transparently, and proportionately, and in accordance with our [Regulatory Framework and Approach](#). We will also have due regard to the Better Regulation Framework Principles (updated 2020).

In certain cases, we may award a contract, setting out arrangements made under section 17 of the Act, that may be covered by the Concession Contracts Regulations 2016. Where that is the case, Qualifications Wales will proceed in accordance with those Regulations. In other cases, Qualifications Wales will apply the process shown below

Procedure for selecting a form of a qualification for approval in the absence of section 15 arrangements

This section outlines the main stages of the procedure we will follow when selecting a form of a qualification for approval, and where we do not propose to enter into arrangements under section 15.

Before commencing this procedure, we will have decided to restrict the number of forms of a restricted priority qualification. Where we have taken such a decision, we will publish a Determination to Restrict. This Determination will include the number of forms of the Approved qualification which will be permitted in the system and therefore will be able to be selected by us.

The separate stages of the procedure are described in more detail below.

1. Call for competition

We will set and publish Approval Criteria outlining the form that the priority restricted qualification(s) must meet. We will also develop selection criteria to help us in evaluating submitted qualifications. We will then write to all recognised awarding

bodies inviting them to submit evidence relating to the published approval and selection criteria to demonstrate how their qualification meets both sets of criteria.

2. Selecting

More information will be provided to participating awarding bodies, including a deadline for applications and a timetable for the selection process.

There will be an opportunity for recognised awarding bodies to seek clarification, if required, before the deadline for applications.

Once the deadline has passed, a panel will convene to consider the qualifications that have been submitted by awarding bodies for selection. We will determine which, if any, meet the Approval Criteria, and of those, we will then score the applications using our Selection Criteria. We will score each against the Selection Criteria and will rank the qualifications to enable us to select the number of forms of the qualification in accordance with the Determination to Restrict.

3. Notifying outcome to awarding bodies and next steps

Awarding bodies who submitted a qualification for selection will be notified of the outcome and next steps in writing.

We will work with the awarding bodies whose qualifications have been selected to secure the approval and will confirm in writing the approval period which will align with the restriction period set out in the Determination to Restrict.

Any current Approved qualification deemed to be same or similar to the selected qualification will have their Approval withdrawn in respect of that qualification. Similarly, Designated qualifications identified as those which may be same or similar to the form of qualification selected for approval will be subject to our same/ similar decision-making process as outlined in our [Designation Policy](#) and their designation may be revoked.

Awarding bodies are able to make representations on same/ similar decisions and more information on this is available in the [Designation Policy](#). Awarding bodies may also appeal against a revocation decision through our [Regulatory Appeals Policy](#) within 20 working days of the notification of the decision.

Following confirmation of the selection process, the selected qualification(s) will proceed through our **Approval process**.

While the changes are being implemented, we will continue to work with stakeholders throughout the process to protect the interests of learners. Awarding bodies will prepare a plan under Condition D6 to protect learners during these changes.

Figure 1 below provides a visual illustration of the procedure for selecting a form of a qualification for approval in the absence of section 15 arrangements. The timeframes included within Figure 1 are indicative only and will vary depending on the number of qualifications put forward for selection.

Figure 1: Selection Process and draft timetable

This process starts following listing of the qualification on the Priority Qualification List and publication of the Determination to Restrict

Indicative timeframes	60-120 days	30-90 days	28 days
Stages	1. Call for competition	2. Selecting	3. Notifying outcome to awarding bodies
Comments	<p>We will set and publish Approval Criteria outlining the form that the priority restricted qualification(s) must meet. We will also develop separate selection criteria. Recognised awarding bodies will be requested to submit evidence demonstrating how their qualification meets both sets of criteria.</p>	<p>We will provide more information for participating awarding bodies, including the deadlines for applications and a timetable for the selection process. A panel will consider submitted qualifications and any supporting evidence. The submissions will be firstly evaluated against the Approval Criteria to ensure they meet the minimum standards. Those meeting the Approval Criteria will then be evaluated against A panel will consider submitted qualifications and any supporting evidence. the selection criteria. The submission scoring the most marks will be recommended for selection</p>	<p>Awarding bodies who submitted a qualification for selection will be notified of the outcome and next steps in writing. Feedback will be provided to unsuccessful awarding bodies regarding the relative merits of the qualification selected, the scores applied to their submission and the reason, if any, why the selection criteria were not met. Any current Approved or Designated qualification deemed to be same or similar to the form of qualification selected for approval will have their Approval withdrawn or Designation revoked accordingly. Awarding bodies are able to make representations on same/ similar decisions and more information on this is available in our Designation policy.</p>

Approval Process

Following confirmation of the outcome of the selection process, the selected qualification(s) will proceed through the approvals process. The qualification(s) will be approved for a set period and only that form of qualification will be made available for the duration of the restriction period. Qualifications Wales will keep stakeholders informed. Awarding Bodies will protect the interests of learners throughout the changes to qualifications by having a Plan in place in accordance with Condition D6.

Note: The timeframes are in calendar days and are indicative only. The timescales for each of the phases are flexible and can be determined by Qualifications Wales as it sees fit. However, while there are no prescribed time limits, any time limits that are set will be both reasonable and proportionate by reference to the scope and nature of the process.