

CONSULTATION ON NEW REGULATORY ARRANGEMENTS FOR VOCATIONAL QUALIFICATIONS IN NORTHERN IRELAND: OUTCOMES AND RECOMMENDATIONS

1 Introduction

1.1 On 11 August 2008, the Department for Employment and Learning opened a consultation on “New Regulatory Arrangements for Vocational Qualifications in Northern Ireland”.

1.2 Four hundred and ninety-seven consultees received copies of the consultation document, with most of these being coordinating or representative bodies that were in a position to represent the views of a larger group of organisations. Advertisements were placed in three local newspapers and the document was placed on the DEL website.

1.3 The consultation closed on 31 October 2008, by which time the Department had received fifty-three substantive responses. These included responses from sixteen Sector Skills Councils/Sector Skills Bodies (SSCs/SSBs), eight government bodies, seven Awarding Bodies (ABs), including the Northern Ireland AB Forum, two training organisations, five non-departmental public bodies (NDPBs), three college principals, three Education & Library Boards, three trade unions, two business/professional organisations, one equality body, two higher education institutions and another education body.

1.4 A summary of the outcome can be found at Appendix 1, the list of questions in the consultation document is at Appendix 2, and the organisations which responded are listed at Appendix 3.

2 Responses to specific questions in the consultation

2.1 Q1 – Do you agree that the new regulator, Ofqual, should regulate vocational qualifications in Northern Ireland?

84.9% in favour of proposal (45 out of 53 saying yes)

Overall, a significant majority of respondents welcomed the proposal, and stated that this will give confidence in the system and ensure a level playing field across the UK. The retention of an office in Northern Ireland was also seen as important, in order to develop the expertise and capability within NI. Generally, it was felt that confidence in the qualifications could be enhanced by the greater accountability and transparency proposed, with the regulator reporting directly to the NI Assembly.

Other supportive comments highlighted the importance of having clarity and consistency across the three countries so that employers (often national), colleges, training providers and other relevant organisations are able to link through Sector Skills Councils and other bodies, and that communication is clear and unambiguous. Additionally, it was suggested that the establishment of Ofqual as the regulator for vocational qualifications (VQs) will strengthen the transparency and equality of regulation across all awarding bodies. Comments also focussed on the potential for reduced bureaucracy and for more clarity amongst the general public and employers regarding the responsible regulatory body for vocational qualifications.

The majority of responses highlighted the need for Ofqual's processes to be transparent, accountable, proportionate, consistent and targeted where action is needed. A number commented that Ofqual had to be given

sufficient power to enable it to build confidence in the system, avoiding a proliferation of qualifications.

One trade union had no objection, but stressed the importance of developments underway between Northern Ireland and the Republic of Ireland relating to the mutual recognition of vocational qualifications.

One Sector Skills Council (SSC) and one Awarding Body (AB) agreed, but with reservations. The latter felt that a single independent regulator for all qualification provision in Northern Ireland would be more accessible, and stated that they were confused as this is the model that works in England and Wales.

Five respondents (9.4%) disagreed

Two educational NDPBs disagreed with the proposal, suggesting that it would be less confusing, and would avoid duplication, if the regulation of all qualifications was conducted by a single body in Northern Ireland.

One SSC stated that separation of the regulatory function could potentially reinforce public perceptions that vocational qualifications are somehow second-rate and of less value than other types of qualifications.

One member of the Northern Ireland Skills Expert Group was not persuaded by the proposal to use Ofqual, stating that it was a compromise solution.

A trade union stated that, in the current climate, it does not make sense to split the regulation of vocational and general qualifications between two bodies, at a time when, under the Review of Public Administration (RPA), there is rationalisation to avoid duplication of functions.

2.2 Q2 - Do you agree with the proposal to remove the restriction to externally awarded qualifications?

69.8% in favour of proposal (37 out of 53 saying yes)

Respondents generally welcomed the proposal, the majority stating that the new process will enable providers to be flexible in their approach and will encourage innovation.

Many of those agreeing stressed that if restrictions are to be removed, it is essential that Ofqual establishes very stringent requirements and sanctions not only in relation to the suitability of organisations to develop and deliver bespoke qualifications, but also regarding their fitness to have them accredited. A number of other respondents stressed that the development of qualifications must not conflict with the wider reform of vocational qualifications, particularly the role of the SSCs in ensuring that vocational qualifications reflect adequately the needs of their respective sectors. Some had slight concerns that a plethora of Awarding Bodies (ABs) could cause confusion for learners and could create a highly competitive environment.

One training organisation that focuses on the needs of women felt that a vigorous awareness-raising and promotion campaign would be necessary to persuade the public of the desirability of this development, as there is usually resistance to new forms of assessment and qualifications.

Seven organisations agreed with reservations – five SSCs, one university and the NI AB Forum. The main issues identified were: the need to ensure that sufficient funding remained in the system for the development of VQs if there was a rise in the number of awarding bodies; Ofqual not raising unrealistic expectations regarding recognition; and increased confusion on the part of employers and learners as to the status, content and relevance of

qualifications. One organisation felt that the significant departure from the present arrangements would probably need considerable input from the Qualifications and Curriculum Development Agency (QCDA), to develop awards that meet both the needs and confidence of employers and the general public. It was also felt that the range of training programmes may increase the complexity of the system.

Nine respondents (17%) disagreed

These comprised three SSCs, two ABs, two trade unions, one Health & Social Care Trust and an Education & Library Board. A number of concerns were raised regarding the dilution of standards and the potential to reduce quality and confidence in the NVQ and VRQ awards. Some organisations were not clear where the boundary of responsibilities would lie between the new regulator and the Sector Skills Councils, and their powers to award vocational qualifications.

One AB said that it would need reassurance that Ofqual will have the resources (and skills) to monitor adequately the significant increase that may arise in the number of organisations wishing to award qualifications. Ofqual would also have to have the ability to differentiate the levels of risk presented by newer awarding organisations with little or no track record in maintaining auditable assessment standards.

Another SSC thought that removing this restriction may result in a proliferation of awarding organisations operating within the qualifications frameworks. It added that, while it was important for provision to be more industry-led, an increased number of awarding organisations could dilute the quality of the relationships already established between SSCs and bodies with whom they have forged strategic partnerships.

2.3 Q3 - Do you believe that the regulator should have the power to charge for recognition of awarding bodies?

47.2% in favour of proposal (25 out of 53 saying yes).

All those who said they agreed (organisations from all the sectors), did so on the basis that they recognised the need for Ofqual to be funded adequately to discharge its responsibilities effectively, the need for costs to be based on the real costs of carrying out the recognition activity, and that the power to charge for services being restricted and non-profit making. Some highlighted the fact that the same procedures should apply in NI and England.

Nine organisations agreed with the proposals, but with reservations. The Education and Training Inspectorate (ETI) is not sure of the relevance of this proposal with regard to the quality assurance role a statutory body such as Ofqual would have. It added that in deciding whether or not the regulator in NI should have the power to charge, it would be useful to take account of any lessons to be learned from current and past experience in England. One large training organisation believes this to be a marked departure from current policy and practice and needs to be considered carefully before any decision is made. One SSC felt that where Ofqual is operating in an environment with a large number of applications, and an environment which has implications for others such as SSCs who are not able to make a charge, then funding for the whole process needs to be considered.

Seventeen respondents (32%) disagreed

Six of these respondents were SSCs who felt that this would be a marked departure from current policy. Other comments suggested that charging for recognition will only add to the disincentive, and result in more awarding bodies operating outside the regulated system. One AB felt that there is a

possibility that this model would replicate the kind of recycling of public money that led to criticism of the (now to be withdrawn) £10 NVQ levy, where the charge was passed around a number of public organisations, adding an unnecessary layer of bureaucracy.

Other organisations that disagreed included two NDPBs, five Awarding Bodies, an Education and Library Board, a business person, a trade union and a women's training organisation. One NDPB stated that support for bodies wishing to be recognised as awarding organisations is to be undertaken in England by the QCDA and, as such, it is not clear why Ofqual would propose to charge awarding organisations for recognition. One large Awarding Body believes that the regulator could potentially restrict and deter organisations from applying for recognition by charging for this process and the subsequent regulatory function. This view was also shared by the other respondents who disagreed with the proposal. One training organisation for women commented that this proposal could lead to an increased charge to learners. This could discourage some learners, who may simply not be able to afford the charges, and who might be deterred from undertaking a qualification.

2.4 Q4 - Do you agree with the proposed arrangements for dealing with appeals?

81% in favour of proposal (43 out of 53 saying yes)

This proposal was welcomed by a large majority, with most respondents stating that the proposals would create trust in the system. Common themes such as integrity, transparency, independence and public confidence were apparent in many responses.

Four organisations agreed, but with reservations. One Further Education college supported the proposal only insofar as appeals should be heard concerning the process of assessment, rather than individual marks awarded. One AB was concerned about added bureaucracy in terms of time and cost and also in terms of dealing with competency based vocational qualifications. An SSC stated that if Ofqual (NI) only deals with vocational training/qualifications, unlike Ofqual in the rest of UK, then any other complaints will need to be dealt with by DE and the other UK Regulatory Bodies, whilst NI Ofqual deals with only vocational complaints/appeals.

No respondents disagreed with this proposal.

2.5 Q5 - Do you feel that it is appropriate for Ofqual to provide advice to vocational qualification developers in Northern Ireland, in addition to the regulatory functions set out in this consultation?

45.3% in favour of proposal (24 out of 53 saying yes)

This was the least supported proposal in the consultation. Those who agreed were mainly respondents from government, NDPBs and Education & Library Boards. Although in agreement, the general comment was that it is imperative that such a service does not detract from the impartiality of Ofqual's role, and that impartiality has to be perceived as well as real. Transparency of good practice was highlighted as essential and, as many awarding organisations are in a competitive market, it was thought that commercial advantage should not be compromised. Some of those agreeing recognised a potential conflict of interest in this proposal.

Four respondents agreed, but with reservations, and urged caution because the perception of impartiality is as important as the reality, and this could undermine the aim of the reforms which was to ensure that Ofqual was widely perceived as impartial.

20 respondents (37.7%) disagreed

This was the largest number of respondents opposed to any proposal, and included organisations from all sectors. Most organisations advised caution, and there was concern that providing this service could detract from the impartiality of Ofqual's role as regulator. The ETI stated that they understood QCDA has the independent remit in England to provide this support/advice to developers to ensure that potential for conflict and or confusion over roles and remits does not occur. One large training organisation and a number of other contributors see a role for SSCs in this aspect of the proposals, and believe that to allow the regulator to become involved would create duplication and lead to possible confusion around roles.

3 Recommendations

Question 1: Do you agree that the new regulator, Ofqual, should regulate vocational qualifications in Northern Ireland?

3.1 In summary, the consultation responses indicated a strong majority (85%) in favour of Ofqual regulating VQs in Northern Ireland, as proposed in the consultation. Many respondents argued that it was essential that consistency be maintained across Northern Ireland, England and Wales, particularly in light of the changes being implemented through the VQ reform programme as a whole. These respondents felt that having Ofqual operate here would contribute to a more consistent picture for VQs across the three countries.

3.2 The five responses (9% of the total) that did not agree with this recommendation suggested instead that a single body should regulate both VQs and general qualifications, as it will avoid duplication of functions, be more responsive to local issues and would avoid underlining the artificial division of qualifications into, broadly, vocational and academic.

Conclusion

3.3 In light of the fact that 85% of respondents were in favour, the Department maintains that the best option at this point in the development of VQ policy would be for Ofqual to regulate all VQs in Northern Ireland. The Department's recommendation in this area is that this proposal in the consultation document is accepted.

Question 2: Do you agree with the proposal to remove the restriction to externally awarded qualifications?

3.4 The driving force behind this proposal is to increase the amount of training that can be recognised and transferred between different organisations. In this sense, it is associated closely with the establishment of the Qualifications and Credit Framework (QCF), which will enable learners to combine different smaller units of qualifications to form qualifications. The removal of the externality rule will allow employers and other training providers to award accredited qualifications. Such organisations will be subject to the same regulatory system as established awarding bodies, so there will be no dilution of standards on the regulatory front. For example, the intention is for employees in organisations that already provide high quality in-house training to have their achievements recognised within the accredited system. It is not envisaged that employers will enter the qualifications market for commercial reasons, and it is not felt that the proposal will lead to confusion about the roles of the bodies within the system, or that it will devalue vocational qualifications.

3.5 This proposal has been the subject of testing and trials in England over the past two years, with employers such as Network Rail, Flybe and the Ministry of Defence taking part, and it is likely that the approach will be enshrined in legislation with the passage of the forthcoming Children, Skills and Learning Bill. Therefore, it would be inconsistent within the three-country qualifications system for it not to be implemented in Northern Ireland because, for example, many of the employers who will want to take advantage of the benefits of this approach also operate in Northern Ireland. Also, not to make these benefits available to employers in Northern Ireland could work to their disadvantage commercially.

Conclusion

3.6 In light of the arguments presented above, and the fact that 69% of respondents were in favour, the Department's recommendation in this area is that this proposal in the consultation document is accepted.

Question 3: Do you believe that the regulator should have the power to charge for recognition of awarding bodies?

3.7 Just 46% of respondents agreed with this proposal. The Department agrees that the flexibility gained by Ofqual if this proposal was to be implemented would be balanced by the additional bureaucracy and the necessity to ensure that any charging system was equitable and did not distort the qualifications market. In addition, further development of the likely policy in England means that it is likely that this approach will not be implemented there.

Conclusion

3.8 The Department's recommendation in this area is that, for consistency, Northern Ireland should adopt the same approach as England. At present, therefore, it is likely that this proposal in the consultation document will not be accepted.

Question 4: Do you agree with the proposed arrangements for dealing with appeals?

3.9 Over 80% of respondents agreed with this proposal. No correspondents disagreed.

Conclusion

3.10 While there may need to be some further consideration of the detail within the proposed approach, the Department's recommendation in this area is that this proposal in the consultation document is accepted.

Question 5: Do you feel that it is appropriate for Ofqual to provide advice to vocational qualification developers in Northern Ireland, in addition to the regulatory functions set out in this consultation?

3.11 Just 44% of respondents agreed with this proposal, making it the least well supported proposal in the consultation. A number of respondents expressed concern that one organisation carrying out both of these roles could create a conflict of interest, and could detract from the impartiality of Ofqual's role.

Conclusion

3.12 It has been confirmed that Ofqual will not be carrying out these non-regulatory functions in other parts of the UK. In light of this, and the views of respondents to the consultation, the Department's recommendation in this area is that this proposal in the consultation document is not accepted.

APPENDIX 1

	No Comment	Agree	Partly Agree	Disagree
Q1– Ofqual should regulate	1	45	2	5
Q2 – Remove restriction to externally awarded qualifications	-	37	7	9
Q3 – Regulator power to change for recognition of ABs	2	25	9	17
Q4 – Agree with appeals arrangements	6	43	4	0
Q5 – Ofqual advice and regulatory role important	5	24	4	20

RESPONDENTS

SSC/SSB	16
Government	8
Training Organisation	2
Awarding Body	7
NDPB	5
FE College	3
ELB	3
Union	3
Business/professional	2
Equality Body	1
Higher Education	2
Education – other	1
TOTAL	53

LIST OF QUESTIONS IN THE CONSULTATION DOCUMENT

Question 1: Do you agree that the new regulator, Ofqual, should regulate vocational qualifications in Northern Ireland?

Question 2: Do you agree with the proposal to remove the restriction to externally awarded qualifications?

Question 3: Do you believe that the regulator should have the power to charge for recognition of awarding bodies?

Question 4: Do you agree with the proposed arrangements for dealing with appeals?

Question 5: Do you feel that it is appropriate for Ofqual to provide advice to vocational qualification developers in Northern Ireland, in addition to the regulatory functions set out in this consultation?

LIST OF THOSE WHO RESPONDED

Sector Skills Councils/Standard Setting Bodies

Alliance of SSCs
Council for Administration
e-skills UK
EU Skills
Financial Services Skills Council
GoSkills
Improve Ltd in NI
LANTRA
People 1st
Proskills
Proskills UK
SEMTA
Skillfast-UK - SSC for fashion and textiles
Skillset
Skillsmart Retail
Skills for Health

GOVERNMENT

Antrim Borough Council
Department for Employment & Learning Further Education Finance
Department of Health & Social Services & Public Safety
Dungannon & South Tyrone Borough Council
Education & Training Inspectorate, Department of Education
Larne Borough Council
Southern Health & Social Care Trust
Western Health & Social Care Trust

TRAINING ORGANISATIONS

Learning & Skills Development Agency NI
Training for Women Network Ltd

AWARDING BODIES

City & Guilds UK
Council for the Advancement of Communication with Deaf People
EMP Awarding Body Ltd
ETC Awards
NI Awarding Body Forum
Open College Network NI

Oxford Cambridge & RSA Examinations

NON-DEPARTMENTAL PUBLIC BODIES

Council for the Curriculum, Examinations & Assessment

Council for Catholic Maintained Schools

Invest NI

NI Social Care Council

Ofqual – Office of the Qualifications & Examinations Regulator

COLLEGE PRINCIPALS

Belfast Metropolitan College

North West Regional College

South East Regional College

EDUCATION & LIBRARY BOARDS

Belfast ELB

South East ELB

Western ELB

TRADE UNIONS

NIPSA

NI Students

University & College Union

BUSINESS/PROFESSIONAL

Institute of Directors

NI Skills Expert

EQUALITY BODIES

Disability Action

HIGHER EDUCATION

Queen's University Belfast

Stranmillis University College

EDUCATION (OTHER)

NW Workforce Development Forum