

Consultation on Changes to Diploma Regulation



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Introduction

1. Ofqual intends to change the regulatory requirements for the 14–19 Diploma. We are consulting on the way in which we intend to do this.
2. The changes we intend to make are limited to the way the component qualifications that make up the Diploma are aggregated and the Diploma award then made. We are not therefore proposing to change any other aspect of our regulatory requirements for this qualification as we do not have other issues or concerns.
3. We have previously stated our view that our regulations for the Diploma need to change to make its delivery manageable without intensive and expensive central support. This additional activity was needed to make sure the qualification was successfully awarded. The Government has confirmed to us its view that the current arrangements should not continue and that delivery arrangements for the Diploma should be brought into line with those for other regulated qualifications. The current regulatory requirements are based on the provision by Government of the Diploma Aggregation Service (DAS). No other regulated qualifications require the provision of a centrally provided service. The Government has therefore confirmed its intention to close DAS from 2013 and that it expects awarding organisations that wish to continue to offer this qualification develop their own approaches to doing so.
4. Given that we currently require awarding organisations to use the DAS, it is necessary for us to change the related parts of our existing regulatory requirements. We will also consider what other lessons we can learn from the first years of the delivery of the qualification. This document sets out the approach we intend to adopt in the light of these factors.
5. Any changes that we make to the regulations following this consultation will be introduced in a way that allows learners that have started, or are about to start, a Diploma to be given the opportunity to complete the qualification under the current arrangements.
6. This document considers:
 - the background to the consultation, including the origins and development of the Diploma
 - the need for regulatory change
 - our existing Diploma regulations
 - the changes that we intend to make to our regulatory requirements

- the timing of these changes
- the transitional arrangements we expect to be put in place
- what will happen next following this consultation.

Background

7. The Diploma is a qualification that was introduced following the publication of the 14–19 Education and Skills White Paper in 2005. Diploma qualifications were first recognised as regulated qualifications in summer 2007 and taught in centres from September 2008. The first awards were made to learners in August 2009.
8. The Diploma is a composite qualification awarded for the successful achievement of three elements: principal learning, generic learning and additional and specialist learning. Principal learning is a single qualification in the subject matter of the Diploma. Generic learning includes functional skills qualifications in English, mathematics and ICT and a project qualification; learners are also expected to complete a minimum of 10 days' work experience and achieve six personal, learning and thinking skills. The additional and specialist learning element gives the student some choice about the extra qualifications that make up their Diploma from a list of approved options. Learners must complete all elements to gain their Diploma.
9. We regulate awarding organisations to check that appropriate standards for the qualification are being set and maintained. We specify and keep under review the requirements that awarding organisations must meet to deliver Diplomas and their components appropriately, consistently and on time. We also scrutinise the performance of awarding organisations that award qualifications and grades to see whether they are doing this appropriately and consistently and take action if they are not. We do not set any requirements for the Diploma around its teaching, funding or treatment in school accountability measures as such matters fall outside our responsibilities.
10. We are now consulting on changes to the regulations for the Diploma.

The need for regulatory change

11. We are consulting on changing the regulation of the Diploma in light of experience from the first two years of its delivery and to consider how it can be offered without government support that is not available for other qualifications.
12. We noted in *The Third Report of the Chief Regulator*¹ that issues with the Diploma had required from us a detailed operational engagement that we do not undertake for the other qualifications we regulate. This was necessary to make sure the Diploma qualification was successfully awarded. We have not been required to intervene in relation to the component qualifications or with regard to the standard of the award that learners received. We acknowledged that our regulatory requirements for this qualification should be simplified to ensure its delivery is manageable without intensive and expensive central support from Ofqual, Government or others.
13. The Department for Education has formally notified us of Ministers' support for our intention to consult on this issue and their views on government support for the Diploma.² In particular they said, "we want to enable the market itself to offer the Diploma on the same terms as other qualifications... allow individual awarding organisations to offer it alongside other qualifications, where there is demand, and remove the current requirements for a government-operated results service." They made a commitment to "maintain the existing arrangements until summer 2013".
14. This consultation is limited in its scope to questions about how the Diploma operates. It is not about the regulations that relate to the standard of the overall Diploma qualification or its components because at this time we have no major concerns about their standard. We are taking regulatory action where we have identified any issues in this area.³ Those who have achieved or are working towards a Diploma can be assured it is an appropriately challenging qualification. The aim of the consultation is to inform our decisions on how we regulate so that we can ensure that the qualification is sustainable in the light of evidence from its delivery, the future resources available to support it and the environment in which it will be delivered.

¹ See Chapter 3 of *The Third Report of the Chief Regulator*: www.ofqual.gov.uk/files/2010-12-15-the-third-report-of-the-chief-regulator.pdf.

² See letter from Stephen Meek (Director, Young People: Qualifications Strategy and Reform, DfE) to Glenys Stacey (Ofqual CEO).

³ For details see: www.ofqual.gov.uk/files/11-03-23-Diploma-Qualifications-Monitoring.pdf.

Existing Diploma regulations

15. We set and maintain a range of regulations that apply to the awarding organisations we regulate and the qualifications they offer. All awarding organisations that offer the Diploma must be recognised by us both as awarding organisations generally and specifically to award the Diploma. It is the requirements that relate specifically to the Diploma that are considered in this consultation.
16. The regulatory requirements specific to the Diploma qualifications are set out in:
 - *Regulatory arrangements for component and Diploma awarding bodies: Recognition requirements and operating rules (Version 3)*
 - *Criteria for accreditation of Foundation, Higher and Advanced Diploma qualifications (version 3).*
17. In addition, the awarding organisations that offer principal learning and project qualifications must also comply with the GCSE, GCE, principal learning and project code of practice and relevant Line of Learning criteria.
18. These documents have defined a regulatory approach that has resulted in two key characteristics that are specific to the Diploma:
 - Two types of awarding organisation are regulated to offer this qualification. Diploma awarding bodies (DABs) are those organisations that award the overall Diploma qualification, while component awarding bodies (CABs) award the component qualifications that can count towards the award of the Diploma.
 - The regulations require awarding organisations to use a third party IT system – the Diploma Aggregation Service – currently managed by QCDA, which is a Government-owned system for the aggregation of results for the award of the Diploma.

The changes to be made to regulatory requirements

19. We intend to introduce a regulatory approach that:
 - allows for continued delivery of the Diploma without a requirement to use a government-operated results service where suitable proposals are put forward by awarding organisations
 - retains robust regulation of all Diploma components
 - allows for the development of any new qualifications based on existing Diploma components provided that the integrity and standard of the Diploma is maintained.
20. To do this we plan to change our approach to the regulation of the Diploma by withdrawing *Regulatory arrangements for component and Diploma awarding bodies: Recognition requirements and operating rules (Version 3)*
21. We intend to take this action particularly because these current regulations require awarding organisations to use the government operated results service, the DAS to deliver the Diploma. As this service is to be withdrawn, the current regulations will not be relevant or enforceable beyond 2013. By removing these regulations we will remove all requirements that relate to awarding organisations using the DAS and contribute to a centralised approach to awarding. There are some requirements within the *Regulatory arrangements* that do not relate specifically the use of DAS and other systems and instead are focused on other elements of the delivery and quality assurance of this qualification. However, these are now covered appropriately within the other Diploma regulations, such as *Criteria for accreditation*, and Ofqual's new *Conditions of recognition*, both of which were not in place when the *Regulatory arrangements* were originally introduced.
22. In addition, the complexities that we identified as needing to be addressed in our current regulatory approach are primarily a consequence of the different roles and statuses that different awarding organisations have in Diploma delivery. These result from them being defined as either a DAB or CAB, or both. This has resulted in confusion about roles and responsibilities in the delivery of the qualification. By withdrawing these regulations we will remove this complexity.
23. In particular this will mean that:
 - requirements relating to the use of DAS and obtaining unique learner numbers and learner accounts will be removed

- duplication of regulations relating to assessment and quality assurance will be reduced
- the need for a separate category of organisations recognised as CABs and DABs will cease – the specific responsibilities that these organisations have that differ from those of other regulated awarding organisations relate to their participation in a centralised system for aggregating results and awarding qualifications.

Question 1: Do you agree that we should withdraw *Regulatory arrangements for component and Diploma awarding bodies: Recognition requirements and operating rules (Version 3)*

Please answer Yes/No. Please explain your answer and if your answer is no please suggest alternative approaches.

24. We do not intend to make any changes at this time to any other Diploma regulations. Therefore awarding organisations that wish to continue to offer the Diploma will be able to if they continue to meet all remaining Diploma regulations. They will, of course, need to put in place arrangements that do not depend on DAS to ensure that they can process all the necessary data to make Diploma awards. This means they will need to find a new mechanism to assure themselves that all components of the Diploma have been achieved. In making such arrangements, awarding organisations may determine that they are unable to accept the widest range of components that can contribute towards the Diploma. This is acceptable so long as candidates have the opportunity to achieve all Diploma components in some way.
25. We must secure the standard of the qualification. All regulations relating to the achievement requirements for the qualification will therefore remain unchanged. Any organisation that wishes to continue to offer the Diploma after the regulations have been changed will be required to demonstrate to us how it intends to continue to offer the qualification in a manner that ensures the standard of the qualification and its delivery are secured.

26. We will ask awarding organisations individually to confirm whether they intend to continue to offer the Diploma once the regulations have changed.

Question 2: Do you agree that awarding organisations that wish to award the Diploma should be required to demonstrate to us that they will be able to aggregate the results from the component qualifications?

Please answer Yes/No. Please explain your answer and if your answer is no please suggest alternative approaches.

27. We are not proposing any change to the structure and content of the component qualifications. Awarding organisations will continue to be free to offer these qualifications alongside, or separately from, the overall Diploma qualification as they see fit. Although a number of the regulatory requirements that relate specifically to Diploma component qualifications are detailed in regulatory documents that set requirements for the Diploma as a whole, all component qualifications are regulated qualifications in their own right and may be offered independently. We will review the presentation and effectiveness of all these regulations as part of work that we have separately put in place to review all the regulatory requirements we set for all awarding organisations and qualifications. For example, as a part of this work, we will consider future arrangements for regulations relating to the content of principal learning qualifications.
28. In addition, it may be that some awarding organisations wish to offer new qualifications that involve the use of some existing Diploma component qualifications. Any such qualifications would need to have a different title and be marketed distinctly from the existing Diploma qualification so that there can be no doubt about whether this was a new qualification or an existing Diploma. Awarding organisations wishing to offer such qualifications would simply need to develop them to meet our regulatory requirements in the normal manner.

Question 3: Does the proposed approach permit sufficient flexibility to allow the development of new qualifications that build on Diploma component qualifications where there is demand for them?

Please answer Yes/No. Please explain your answer and if your answer is no please suggest alternative approaches.

29. From this, it should be clear that these proposals do not present alternatives that have to be considered separately. It is possible for the qualifications that are components of the Diploma to be taken separately and be considered as appropriate options in their own right while retaining the overall Diploma qualification for those that want it. The extent to which awarding organisations continue to offer the Diploma and that learners undertake it in schools and colleges will be determined by the demand for the qualification and its components in the marketplace.

Question 4: Do the proposals present a suitable approach to ensure that all those that wish to offer the Diploma or its component qualifications in future are able to?

Please answer Yes/No. Please explain your answer and if your answer is no please suggest alternative approaches.

Timing of changes

30. We propose to change the regulations so that the new regulatory approach applies to any learner who is registered on the Diploma or its component qualifications from the beginning of the 2012/13 academic year. The existing regulations will continue to apply to all those learners who were registered on the qualification prior to this point. Any awarding organisation that wishes to continue to offer the Diploma to candidates starting in 2012/13 will be required to confirm its intention to us and detail how it will continue aggregate the results.

Question 5: Do the timeframes allow sufficient time for adjustment for a) awarding organisations, b) centres and c) learners?

Please answer Yes/No for each of a), b), and c). Please explain your answers and if your answer is no for any of the options please suggest alternative approaches.

Transitional arrangements

31. Given that candidates will begin Diploma courses in autumn 2011, and some of them will take more than two years to complete the qualification, we propose that some transitional arrangements should be put in place to ensure that they are not disadvantaged by the changes we intend to make to Diploma regulation.
32. We propose that all DABs will be required to make provision to award Diplomas to Diploma candidates that are successful in achieving the requirements for the qualification for one year after the closure of the DAS. This will allow those candidates that still need to complete or re-sit components of the Diploma to do so. This may require awarding organisations to put in place a manual process for making Diploma awards, but this should only apply to a limited number of candidates as most learners complete their Diplomas in two years. These arrangements would only apply to those learners who had registered on Diplomas before the regulations were changed. As detailed above, this will be only those learners that began the qualification in or before autumn 2011.
33. When a new regulatory approach is set out after this consultation, we will expect all DABs to make clear to the schools and colleges registered with them for the Diploma what transitional arrangements are in place. They should also identify to them what provision they will make available in this area in future, including in particular whether they will continue to offer the Diploma.

Question 6: Will the transitional arrangements ensure that learners and centres are not unfairly disadvantaged by the changes to Diploma regulations?

Please answer Yes/No. Please explain your answer and if your answer is no please suggest alternative approaches.

What happens next?

34. We will review the responses to this consultation and announce how we intend to proceed in the autumn. We will make any necessary changes to our regulation based on this consultation. We do not intend to consult further on this issue.

Question 7: Do you have any further comments to make?

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