

**Process to Challenge the Withdrawal
of Funding for National Qualification
Framework (NQF) Qualifications on
the 31st of July 2010**

04 June 2010

Purpose

1. This document is intended for Sector Skills Councils and sector bodies (hereafter referred to as SSCs), awarding organisations (AOs) and Providers. It sets out the process for challenging the Skills Funding Agency's decision to remove funding for National Qualification Framework (NQF) qualifications across the Adult Learner Responsive (ALR) and Employer Responsive (ER) funding streams on the 31 of July 2010 where appropriate and available QCF provision exists.
2. The list of NQF qualifications from which Skills Funding Agency funding will be removed will be published at the beginning of June 2010 on the Agency's web site (<http://qcf.skillsfundingagency.bis.gov.uk/qcf-funding/implementation/>)

Background

3. The Vocational Qualifications Reform Programme (VQRP) is a UK wide programme for the reform of vocational qualifications for adults (19+) only.
4. The key aim of the VQ RP is to create a qualifications system in the UK:
 - Based on learner and employer needs
 - With greater clarity and more flexibility and choice
 - Encouraging a more skilled and productive workforce
 - Allowing individuals to fulfill their potential
 - Supporting greater social justice and opportunity.
5. In December 2007 the Learning and Skills Council, (LSC) published the Addendum to the Statement of Priorities: 'Aligning Public Funding with Priority Vocational Qualifications in England'. This publication marked the beginning of the process whereby Sector Skills Councils advise the LSC (and its successor organisation the Skills Funding Agency, the Agency) on which vocational qualifications should be publicly funded to support the skills needs for their sector, with a presumption that funding would be allocated accordingly to those sectors. In November 2008, the LSC received a remit to implement the QCF across the post 19 Further Education and Skills system. In taking forward implementation the Agency have consistently made clear the commitment to focus funding on vocational qualifications in the QCF and recommended for funding by SSCs.
6. The Skills Funding Agency has now put in place a process for confirming funding for vocational qualifications on the basis of advice from SSCs. The high level process is available on the Agency's website. The Strategic Approvals Panel (SAP) chaired by the Director for College and Learning Provider Services oversees all aspects of QCF implementation and transition, including both the confirmation for funding of QCF provision, and removals of funding for NQF provision.
7. Leading to August 2010, the Agency has been funding a mixed economy of NQF and QCF qualifications. From 1 August the Agency wishes to see providers offering the bulk of their provision through the QCF and from 1 January 2011 providers offer all of their provision through the QCF. In order to support both the continuing transition to the QCF, but also take account of issues of provider readiness and capacity to deliver, the Agency has now agreed the following process and timescales for transition.

Beginning of June Published List

8. The qualification list for removal of funding which will be published at the beginning of June 2010 will set out those National Qualification Framework (NQF) qualifications where funding for new starts will cease from 31 July 2010. Three categories of NQF qualifications appear on the list:
 - NQF qualifications where there are few or no enrolments.
 - NQF qualifications where, as of 1 June 2010, there is an appropriate QCF offer accredited and confirmed for funding and available for delivery.
 - NQF qualifications where there is no QCF replacement and the SSC has requested that funding for new starts ceases from 31 July 2010.
9. For NQF qualifications not included on the end May list, the current NQF offer will continue to be funded but will be subject to review at the end of September as part of the process of the September NQF switch off lists

End of September Published List

10. The list for the removal of funding published at the end of September will set out those NQF qualifications where appropriate QCF qualifications are anticipated to have been accredited and confirmed for funding up to and including the end of December 2010. In line with the timescales set by the UK VQ Reform Programme Board, it is expected that ALL vocational qualifications will be in the QCF by 31 December 2010 and therefore the Agency will seek at this point to cease funding for all new starts on all remaining vocational NQF provision from 1 January 2011 (irrespective of the NQF qualification review date).

End of January Published List

11. Going forward, the Agency will, each January publish a list of those qualifications where funding for new starts will cease in advance of the new academic year.

Parallel Funding of NQF and QCF Provision

12. The Agency accepts that there may be a need to fund both NQF and QCF qualifications for an interim period, specifically the period after the publication of the June 2010 list and up to the September 2010 list. Where this is the case we will look at how we can actively encourage providers to make the switch to the QCF qualification as soon as possible and certainly review whether funding for the NQF qualification can be turned off as part of the end September 2010 list. In all cases we will however expect the vast majority of new starts to be registered on the QCF qualification as soon as it is available.

The Challenge Process

13. Challenges on the Agency's decision to remove funding for new starts on a NQF qualification appearing on the June 2010 list must follow the guidance and process laid out in this paper. Challenges will only be considered where removal of funding for a qualification will have an adverse, unreasonable or uneven impact on an individual and/or organisation and/or alternative and appropriate QCF provision is not available.
14. An adverse, unreasonable or uneven impact on an individual and/or organisation can be defined as situations whereby the removal of funding of the qualification results in:
 - Limited or no availability of, and access to learning at that level in that sector when there is an identified need
 - Impact on a particular group of learners or learner cohort

- Destabilising and/or narrowing the provider base in a region or sector
 - Disadvantaging one particular organisation over other organisations working in the same sector, qualification level or geographical area
 - A negative impact on the planning and quality of delivery in 2010/11 for example limited availability of curriculum material to support delivery of new qualifications
 - An adverse impact on local or regional strategic learning
15. These criteria will be used by the Agency to determine whether the challenges made are reasonable.
16. A Challenge can only be made on the grounds described above. Concerns in the following areas will typically be out of scope:
- Structure of the qualification
 - Qualification approval process decisions
 - Accreditation or regulation of the qualification
 - The sector body decision to support the removal of funding

Making a Challenge

17. An overview of the challenge process is outlined in annex 2.
18. Once the beginning of June list has been published requests for a challenge must be made in writing to the Skills Funding Agency at qcf servicedesk@skillsfundingagency.bis.gov.uk using the challenge form found in Annex 3.
19. The challenge form must identify the accepted grounds for challenge and include all supporting evidence requested.
20. The challenge process will be led through the Skills Funding Agency Strategic Approvals Panel (SAP). The challenge form is extremely important in helping the members of SAP understand the rationale for the challenge and the implications for decisions. For this reason the challenge form will benefit from as much factual detail as possible.
21. There will be two opportunities to challenge against the decision to turn off funding for vocational qualification(s) in 2009/10 for 2010/11 delivery, the first opportunity will be aligned to the beginning of June list and the second opportunity will be aligned to the end of September list.
22. The first release of the list will be published at the beginning of June 2010. Following this we will accept challenge requests (which includes completed challenge form and supporting evidence) by **25th June 2010** to be considered by the strategic approval panel during July 2010
23. The final list of NQF where funding will cease from 31 December 2010 will be released on the 30th September 2010. Following this we will accept challenge requests (which includes completed challenge form and supporting evidence) by **31st of October 2010** to be considered by the Strategic Approval Panel scheduled for 9 November 2010. Please note there will be no opportunity to submit a challenge request outside these two points.
24. All challenge forms and supporting evidence must be submitted to the Skills Funding Agency by either 25th June 2010 or 31st October 2010. Late submission of the challenge form, evidence or other supporting information will mean that the challenge will not be considered by the Strategic Approval Panel.

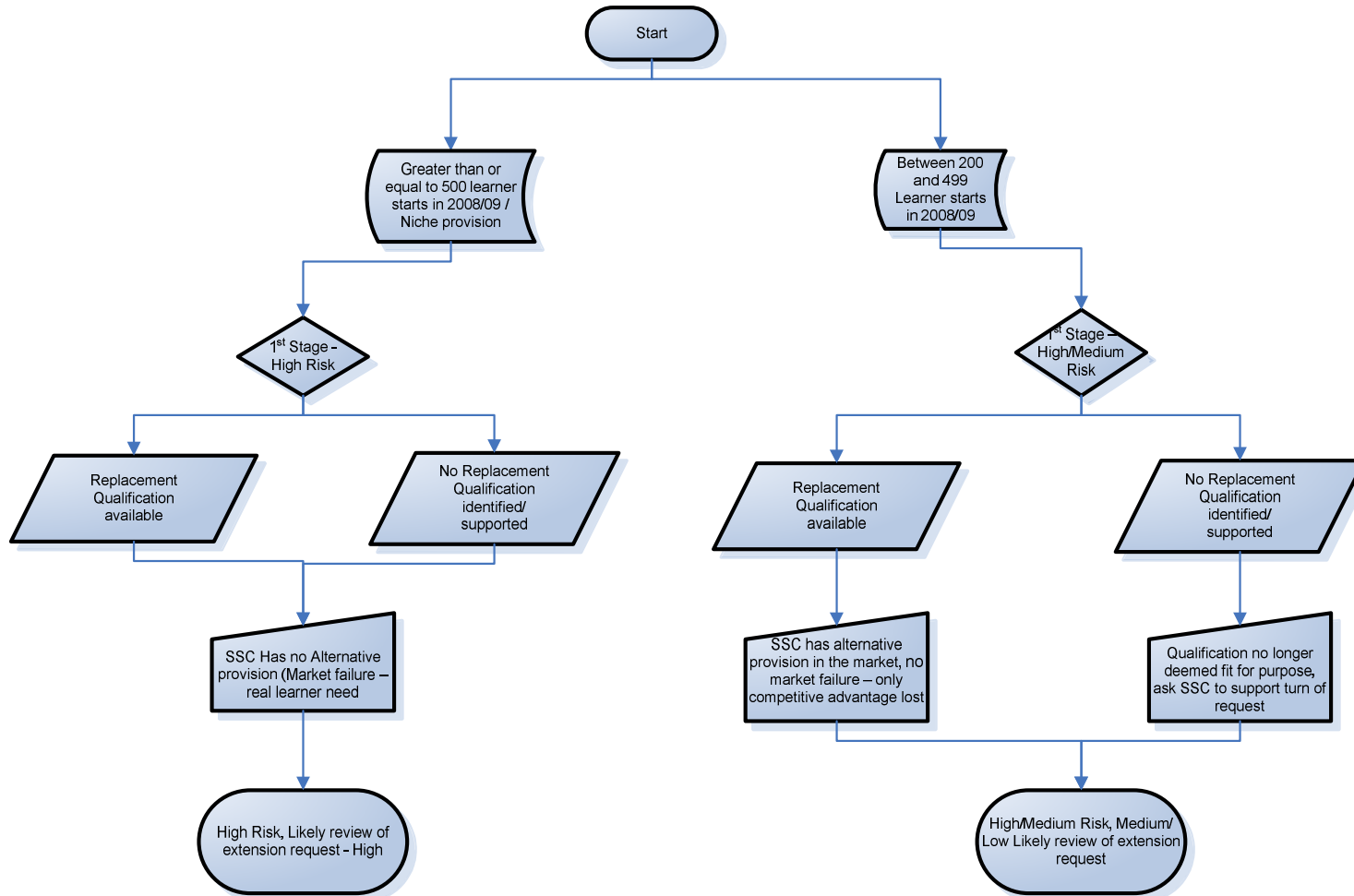
25. Upon receiving the challenge the Skills Funding Agency will review the documentation to ensure that the challenge is made on valid grounds. The Challenger will receive within a written acknowledgement of receipt of the challenge within two working days. This receipt will then be supplemented by confirmation of whether there are valid grounds for challenge. If there are valid grounds for challenge, further information will be supplied confirming the timescales and process for the challenge, including confirmation of when SAP will review the challenge information and the timescales for when a decision will be communicated to the challenge
26. Upon confirming that the challenge has been made on valid grounds the Agency will contact the relevant Sector Skills Council (unless this is the challenger) within whose sector footprint the qualification falls asking them to submit in writing any relevant evidence against/supporting the challenge within 5 working days of receiving the request.
27. Information provided by the Sector Skills Council will be shared with the Challenger to provide an opportunity for the Challenger to provide further evidence to support their challenge. Where Challengers wish to provide further evidence this should be submitted in writing to gcf servicedesk@skillsfundingagency.bis.gov.uk within 5 working days of receiving the Sector Skills Council response.

The Strategic Approval Panel

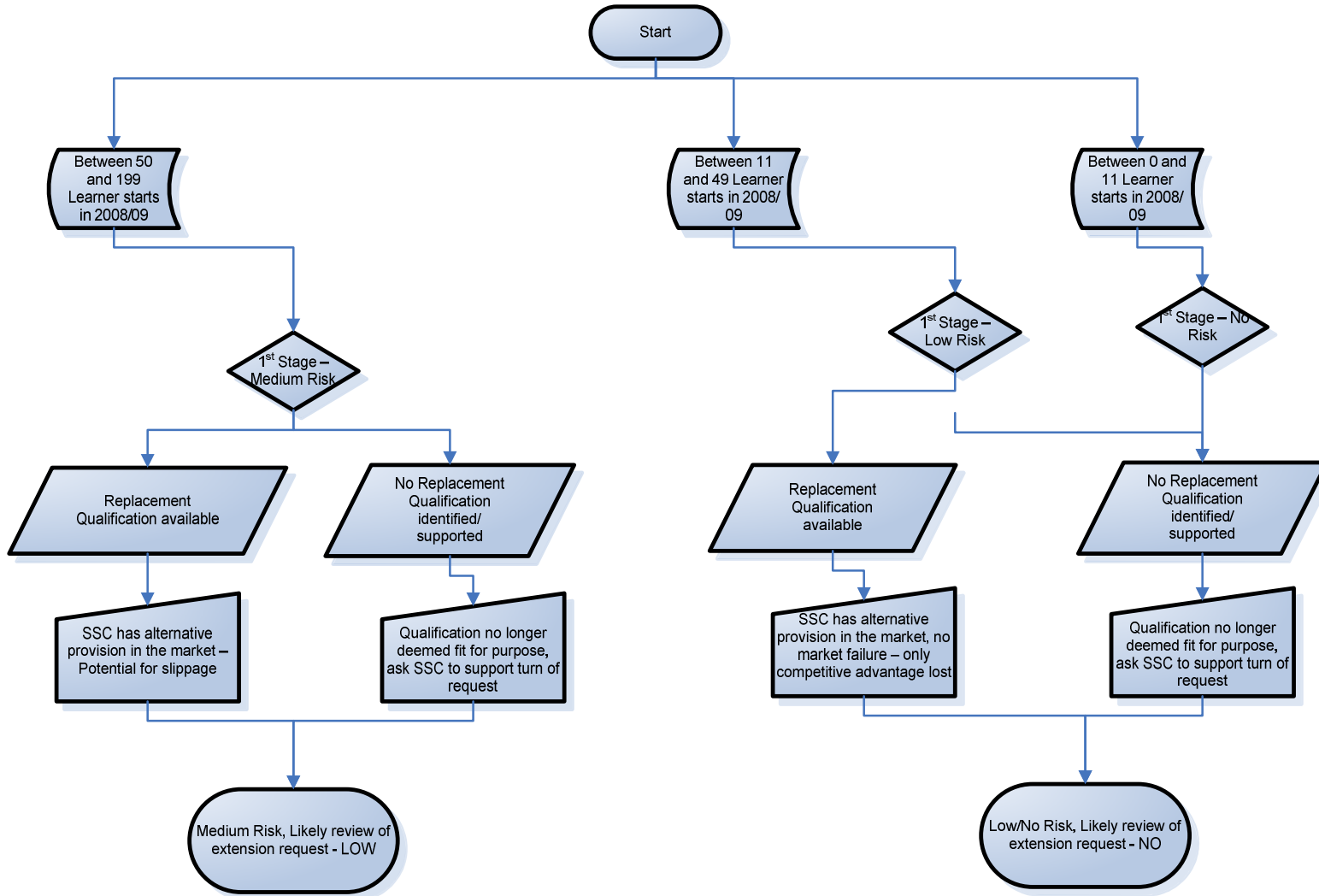
28. All valid challenges will be heard by the Strategic Approvals Panel. Attendance of the Challenger or the Sector Skills Council providing evidence against the challenge is not required.
29. The panel will meet twice (July and November 2010) to hear any challenges from the published lists
30. The panel will review the evidence to decide whether the Skills Funding Agency decision to cease funding for the NQF qualification:
 - Is still valid
 - Is still valid but should be postponed for a set period of time; or
 - Is invalid
31. The terms of reference of the SAP are to consider whether:
 - The rationale underpinning Sector Skills Council advice to the Agency provides sufficient basis for a decision
 - New information is now available which was not available at the time of the Sector Skills Councils advice to the Agency which would have resulted in a change to the decision
 - Further time is needed before funding is turned off to allow for the transition from NQF to QCF qualification
 - Outcome of the challenge
32. The Strategic Approvals Panel will make recommendations to David Hughes, Director of College and Learning Provider Services, who has delegated authority to make the final decision on behalf of the Skills Funding Agency. The Challenger will be informed of the decision of the Skills Funding Agency by letter within 5 working days of the recommendations being made to the Director by the panel.
33. The decision is final and there are no further grounds for appeal.

Annex 1: Risk Categorisation

High level view on likeliness to gain acceptance of challenge

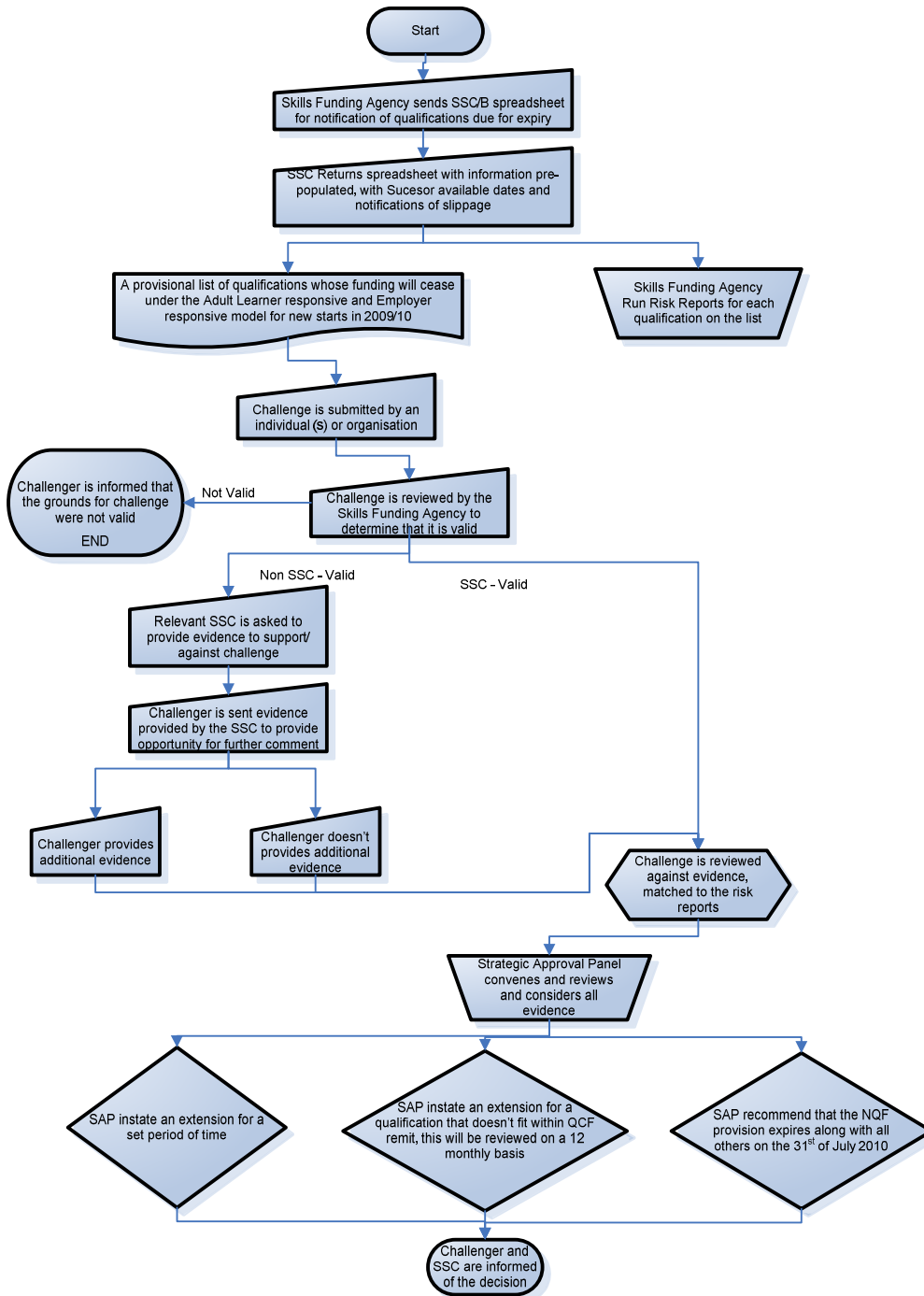


High level view on likeliness to gain acceptance of challenge



Annex 2: Overview of the Challenge Process

Challenge Process



National Qualification Framework (NQF) Funding Challenge Form
 - to be returned to qcfservicedesk@skillsfundingagency.bis.gov.uk by 25th June 2010

1. Qualification in Challenge (Challenger to complete all boxes)

| | |
|--------------------------------|--|
| Qualification title: | |
| Qualification number: | |
| Qualification level: | |
| Name of awarding organisation: | |
| SSC owner: | |

2. Name of challenging organisation and/or individual (Challenger to complete all boxes)

| | |
|------------------------------------------|--|
| Name of challenging organisation: | |
| Name of individual submitting challenge: | |
| Job title: | |
| Phone number: | |
| E-mail: | |

3. Rationale (Challenger to complete)

Please indicate from the following criteria the rationale for challenge (double click on box to cross).

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <p>An adverse, unreasonable or uneven impact on an individual and/or organisation may be where removal of funding of the qualification results in:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Limited or no availability of, and access to, learning at that level in that sector when there is an identified need <input type="checkbox"/> Impact on a particular group of learners or learner cohort <input type="checkbox"/> Destabilising and/or narrowing the provider base in a region or sector <input type="checkbox"/> Disadvantaging one particular organisation over other organisations working in the same sector, qualification level or geographical area <input type="checkbox"/> Impact on the planning and quality of delivery in 2010/11 (for example limited availability of curriculum material to support delivery of new qualifications; or replacement qualification is not available in time to plan for delivery) <input type="checkbox"/> Impact on local or regional strategic learning | <p>Rationale Explanation and Detail:</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|

| 4. Impact (Challenger to complete) | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------|----|----|
| Please provide evidence and rationale for each of the following categories: | | | | | | |
| Learner Starts (08/09) | | (Please specify if this is considered niche provision) | | | | |
| Age split of learners | 19-25 (%) | | | | | |
| | 25+ (%) | | | | | |
| Gender split of learners | Male (%) | | | | | |
| | Female (%) | | | | | |
| Title of replacement QCF qualification (if known) | | | Date of accreditation (if known) or planned accreditation/availability | | | |
| Details of providers delivering the qualification and related proportion of delivery volumes above (if completing as a provider, please only provide details of delivery arrangement in which you are involved) | | | | | | |
| End Date of requested extension | DD | MM | YYYY | Length of time of requested extension | WW | MM |

The following sections of the form are for use once a challenge is being processed by the Agency

| Challenge reference number: |
|--------------------------------------------------------------------------------------------------------------------------------|
| SSC Support/Non Support Rationale (for use by Sector Skills Councils when asked by the Agency to respond to challenges) |
| Rationale Explanation and Detail |
| Additional Supporting Evidence (Skills Funding Agency use) |
| Additional evidence and advice from the Skills Funding Agency or other stakeholders |

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| |
|---------------------------------------------------|
| Impact Summary (Skills Funding Agency use) |
|---------------------------------------------------|

| | |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current provision and learner take-up | Evidence supplied by the Skills Funding Agency: including likely impact on the learner, provider and employers, any other available qualifications. Impact of the decision |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| |
|---------------------------------------------|
| Decision (Skills Funding Agency use) |
|---------------------------------------------|

| | |
|------|----------|
| Date | Decision |
|------|----------|

| |
|------------------------------------------------------------------|
| Rationale and Feedback Points (Skills Funding Agency use) |
|------------------------------------------------------------------|

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| |
|-----------------------------------------------------|
| Feedback Tracker (Skills Funding Agency use) |
|-----------------------------------------------------|

| To | | By | | Date | |
|----|--|----|--|------|--|
|----|--|----|--|------|--|

Skills Funding Agency

Cheylesmore House
Quinton Road
Coventry CV1 2WT
T 0845 019 4170
F 024 7682 3675

www.bis.gov.uk/skillsfundingagency

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