

From Transition to Transformation

Strategic Regulation of Awarding Organisations
and Qualifications



October 2010

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1 Foreword

- 1.1 The Office of Qualifications and Examinations Regulation (Ofqual) is the independent regulator of qualifications (other than degrees), examinations and assessments in England, and of vocational qualifications in Northern Ireland. We secure standards by setting clear requirements for the design, delivery, assessment and award of qualifications and by intervening when necessary to make sure standards are maintained; we protect learners by making sure they are treated fairly; we promote efficiency within the qualifications sector; and we use our powers to secure value for money when this is not being delivered.
- 1.2 Ofqual formally came into existence on 1 April 2010, following commencement of the Apprenticeships, Skills, Children and Learning Act 2009 (the Act), but we had existed in interim form for two years before that. We started our first consultation on our proposed ways of working in December 2009. In April 2010, when our statutory powers and duties began, we made some transitional adjustments to the way we regulate.
- 1.3 The last six months have seen a number of changes, including policy decisions by the new Government and the announcement of the closure of the Qualifications and Curriculum Development Agency (QCDA). Both the Department for Education (DfE) and the Department for Business Innovation and Skills (BIS) are undertaking reviews of qualifications, assessments and skills needs and further changes are likely to follow.
- 1.4 Meanwhile we have been developing our approach to regulation. We have developed and consulted on our plans to keep under review all aspects of statutory National Curriculum and Early Years Foundation Stage assessments. We have also refined our initial proposals to secure the standards of regulated qualifications and the efficiency with which they are developed, assessed and awarded. In doing so we have taken into account the feedback on the consultation we published in December 2009.
- 1.5 We have established our role as the regulator of all vocational qualifications in Northern Ireland. We have developed our ways of collaborative working with our fellow regulators, the Department for Children, Education, Lifelong Learning and Skills (DCELLS) in Wales and the Council for the Curriculum, Examinations and Assessment (CCEA) in Northern Ireland. We have continued to manage the qualifications regulatory infrastructure on behalf of our fellow regulators, providing a cost-effective approach.
- 1.6 We recognise that the qualifications and assessments we regulate will change, as will the economic and policy context in which we are working.

We will need to be responsive to developments and flexible in our approach. Nevertheless the core principles of our regulatory approach should endure any likely developments.

- 1.7 A key principle of our regulatory approach and a premise on which our regulatory model is based is that each awarding organisation we regulate is accountable for the quality and standards of its qualifications and for the efficiency with which it works. Each awarding organisation must have the expertise and other resources to fulfil these roles. We will check that each awarding organisation is exercising its responsibilities fully and properly and intervene if we find weaknesses in its approach. We will continue to scrutinise qualifications where appropriate to make sure that standards are maintained and that learners are treated fairly.
- 1.8 In all we do we seek to abide by the five principles of good regulation: proportionality, targeting, accountability, transparency and consistency. This is reflected in the plans that we set out in this consultation. We also aim to use our powers effectively and efficiently so that public confidence in regulated qualifications, examinations and assessments is secured.
- 1.9 Having made some transitional changes to our approach we are preparing to transform the way we regulate so that we deliver the objectives and make full use of the powers the Act gives us, operate in line with good regulatory practice, and work efficiently in a context of constrained public expenditure. To do this we must change the way we work. And those we regulate will need to change the way they work with us and how they take responsibility for their units and qualifications. We are using this consultation to explain the nature of the changes and to seek views on some aspects of our plans.
- 1.10 We look forward to receiving your feedback on our proposals.

2 Introduction

2.1 Ofqual's regulatory role

2.1.1 The Apprenticeships, Skills, Children and Learning Act 2009 (the Act) established Ofqual as an independent regulator of qualifications and assessments. We regulate the full range of qualifications (other than degrees) and units of qualifications in England and vocational qualifications in Northern Ireland. We also have duties to keep under review all aspects of statutory National Curriculum and Early Years Foundation Stage assessments in England.

2.2 Why we regulate qualifications

2.2.1 The market alone cannot be relied upon to make sure that the standards of comparable qualifications are consistent, learners are treated fairly and that the fees paid to awarding organisations represent value for money. Even if the market could secure standards, people might not trust those standards without independent assurance. This is why we regulate. The qualification system should treat learners fairly and we regulate to protect their interests in particular.

2.2.2 Education and training are critical to the performance of the economy and a key driver of social mobility. Qualifications are awarded to recognise learners' achievements. Without such recognition many of the benefits of education and training would be lost.

2.2.3 The total size of the regulated qualifications sector is difficult to measure, but we estimate that in 2009 spending on qualifications (not on the education and training leading to those qualifications) was in the order of £1 billion.¹ In 2009 awarding organisations offered almost 10,000 different regulated qualifications generating a total of 15.1 million attainments. The number of awarding organisations recognised to award regulated qualifications has been growing – from 98 in 2002 to 144 in 2009.

2.2.4 In some markets providers will be incentivised to provide good quality products – often as a result of consumer behaviour. But in the qualifications field there is a risk that the behaviours of producers and consumers alone will not secure an efficient market in which the standards of qualifications are maintained.

¹ *Annual Qualifications Market Report*, Ofqual 2010.

- 2.2.5 Consumers are not always able to judge whether a qualification is of an appropriate standard. There may be incentives for those who decide which qualifications learners should take to favour qualifications that are more easily or cheaply attainable rather than those that are of an appropriate quality and standard. Government policy can legitimately impact on the operation of the sector – influencing the qualifications that are available and preferred and introducing incentives to favour some qualifications over others. Similarly, employers and their representative bodies can influence the qualification choice.
- 2.2.6 Incentives for awarding organisations to behave in particular ways may differ, reflecting the diversity of their structures, ownership, governance arrangements and commercial or charitable interests. This adds to the complexity of the system and the effectiveness with which the market will deliver the desired outcomes at the lowest cost.
- 2.2.7 In view of the size of the market and the importance of qualifications to individuals and to society, we believe that, although quantification is challenging, the benefits of regulation outweigh its costs.

2.3 The scope of this consultation

- 2.3.1 This consultation sets out and invites views on how we will regulate to secure the standards and efficiency of regulated qualifications within the qualifications market. It builds on *Regulating for Confidence in Standards* (www.ofqual.gov.uk/files/2009-12-11-consultation-regulating-for-confidence-in-standards.pdf) which we published in December 2009. We have reflected on the responses we received to that consultation as we have developed our approach to regulation. YouGov analysed and summarised the responses to the consultation in a report that is published on our website (www.ofqual.gov.uk/files/2010-06-04-consultation-analysis.pdf).
- 2.3.2 We have revised aspects of our original proposals in light of the first consultation, including the proposed recognition criteria and conditions. Many awarding organisations were critical of our original proposals for securing the efficiency of the qualifications sector and the value for money represented by the fees paid to awarding organisations for regulated qualifications. We have set out in a detailed paper *Consultation on Economic Regulation and the Fee Capping Process*² the background to our

² <http://comment.ofqual.gov.uk/economic-regulation-and-fee-capping/>

role as an economic regulator and our approach and we are seeking feedback on our proposals³.

- 2.3.3 We have recently consulted on the way we will keep under review statutory National Curriculum and Early Years Foundation Stage assessments. These aspects of our role are not, therefore, covered by this consultation. However we are aiming to achieve as much consistency as possible in our approaches to regulating assessments and qualifications.

2.4 How to respond

Please respond to the questions we have asked using one of the following methods:

- completing the online response form at <http://comment.ofqual.gov.uk/from-transition-to-transformation/respond>
- emailing a completed response form to consultations@ofqual.gov.uk
Please include the consultation title as your email subject.
- emailing your response in an alternative format to consultations@ofqual.gov.uk – please include the consultation title as your email subject.
- posting your response to:

From Transition to Transformation
Ofqual
Spring Place
Coventry Business Park
Herald Avenue
Coventry
CV5 6UB

Responses should be received by us no later than 31st January 2011.

³ <http://comment.ofqual.gov.uk/economic-regulation-and-fee-capping/respond/>

3 Our approach to regulation

3.1 What we want to achieve

3.1.1 Our aim is to regulate so that we achieve our five statutory objectives.

We have five objectives under the Act:

1. *The qualifications standards objective is to secure that regulated qualifications:*
 - (a) *give a reliable indication of knowledge, skills and understanding*
 - (b) *indicate a consistent level of attainment (including over time) between comparable regulated qualifications.*
2. *The assessment standards objective is to promote the development and implementation of regulated assessment arrangements which:*
 - (a) *give a reliable indication of achievement*
 - (b) *indicate a consistent level of attainment (including over time) between comparable assessments.*
3. *The public confidence objective is to promote public confidence in regulated qualifications and regulated assessment arrangements.*
4. *The awareness objective is to promote awareness and understanding of:*
 - (a) *the range of regulated qualifications*
 - (b) *the benefits of regulated qualifications to learners, employers and institutions within the higher education sector*
 - (c) *the benefits of recognition to bodies awarding or authenticating qualifications.*
5. *The efficiency objective is to secure that regulated qualifications are provided efficiently and in particular that any relevant sums payable to a body awarding or authenticating a qualification in respect of which the body is recognised represent value for money.*

3.1.2 We aim to regulate so that the interests of learners are protected and they are treated fairly, in accordance with our duties under the Act. In all that we do we must have regard to the reasonable requirements of industry, commerce, finance, the professions, other employers and higher education.

- 3.1.3 We will continue to work closely with our fellow regulators in Wales and Northern Ireland (for qualifications other than vocational qualifications) to avoid unnecessary duplication and burden and to promote consistency of approach.
- 3.1.4 We have worked with the regulators in Wales, Northern Ireland and Scotland to develop the conditions of recognition. Although there is a distinct regulatory approach in Scotland, a number of awarding organisations operate across the UK. We aim to streamline the requirements on awarding organisations by placing on them a shared set of expectations.

3.2 Recognition conditions

- 3.2.1 We have a number of statutory duties and powers. We explained these in detail in our 2009 consultation, *Regulating for Confidence in Standards*⁴.
- 3.2.2 One of our duties is to set and publish conditions with which all recognised awarding organisations must comply. We have the power to apply further conditions in respect of specific awarding organisations or in respect of particular qualifications. Conditions are an essential feature of our approach to regulation. Following this consultation we will publish the final suite of general conditions. We will expect the governing body of each awarding organisation to tell us, within a given timeframe, that it is complying with all of the conditions and that its behaviour will demonstrate this is so. The general conditions that we propose to apply to all awarding organisations are set out in full in annex 2 and are threaded throughout the various sections of this consultation. We invite feedback on the conditions.

3.3 The regulatory relationship

- 3.3.1 If we are to regulate effectively and efficiently we need to establish an appropriate relationship with the organisations we regulate. We set out below the principles that we propose should govern our behaviour and that of awarding organisations.
- 3.3.2 We will undertake our regulatory role by:
- acting in accordance with the better regulation principles (transparent, targeted, consistent, accountable and proportionate)
 - basing our decisions on evidence

⁴ <http://comment.ofqual.gov.uk/regulating-for-confidence-in-standards>

- targeting our interventions in response to our assessment of risk posed to standards, learners, efficiency and public confidence in regulated qualifications
- making sure our staff have the skills and knowledge to undertake their roles
- engaging with each organisation we regulate in a fair and open manner
- using proportionate enforcement sanctions where necessary
- contributing evidence-based advice on policy options that affect regulated activities and organisations.

3.3.3 We will require the governing body of each awarding organisation we regulate to:

- make sure the organisation behaves in accordance with the conditions of recognition to which it is subject and that it has the expertise and resources to do so
- be accountable for the quality and standards of the qualifications it awards and the efficiency with which it operates
- respect our role as a regulator and cooperate with us
- take remedial action if things go wrong and ensure we are informed promptly.

3.3.4 We will place on each awarding organisation conditions of recognition that require it to have in place appropriate governance, management, quality assurance arrangements and resources in respect of its functions as an awarding organisation.

3.3.5 We will require the governing body of each awarding organisation to make a declaration each year confirming whether or not it is complying with the full suite of recognition conditions to which it is subject. If the awarding organisation is not in full compliance the governing body must submit a statement setting out the action it is taking to comply.

Conditions on governance, management, quality assurance, resources and co-operation with the regulators

It will be a condition of recognition that each awarding organisation:

- names a senior officer, to be known as the *accountable officer*, who is answerable to the regulators for:
 - the quality and standards of the awarding organisation's regulated units and qualifications and adherence to the regulatory requirements
 - the efficiency with which its regulated qualifications and units are developed, delivered and awarded
 - meeting its duties under equality legislation in the way it designs, delivers, assesses and awards units and qualifications

The accountable officer must be of sufficient seniority to be able to give effect to these requirements.

- establishes and maintains the capacity, capability, processes and controls to carry out its regulated functions effectively including:
 - the competence of its staff and others who contribute to its qualifications development, delivery and awarding functions
 - appropriate technological support
 - the policies and procedures necessary to safeguard the development and award of qualifications and units that secure standards and protect the interests of learners and other users of qualifications
- systematically monitors, reviews, and enhances where necessary, its approach to the design, development, approval, delivery and awarding of regulated qualifications and units
- takes reasonable and demonstrable steps to identify and manage conflicts of interest between its awarding functions and any other activities that it undertakes, or with which it is connected, so as to avoid detrimental impact on the standards of, or public confidence in, its regulated units and qualifications or the efficiency with which they are provided
- identifies and manages risks that could have an impact on its regulated functions and have, and be prepared to share with the regulators, contingency plans to maintain business continuity to deal with unexpected or unplanned events
- manages, monitors and corrects any incidents, including outside of the UK, that could bring regulated qualifications and units into disrepute or otherwise undermine the standards of, or public confidence in, regulated qualifications and units
- takes all reasonable steps to protect its financial viability and submit to the regulators an annual statement from its directors or trustees confirming its financial viability together with supporting financial statements

- cooperates with the regulators and alerts them to any incidents or issues of which they would reasonably expect to be aware, including:
 - any significant changes in its governance, financial, legal or business status
 - any significant changes to cost drivers where these are likely to result in substantial upward pressure on fees or the efficiency with which organisations can operate
 - any activities undertaken by the organisation connected with the provision of regulated qualifications
 - any failures in delivery or awarding of qualifications
- takes such action as the regulators direct to secure standards or protect learners
- provides the regulators with access to all premises from which it operates
- takes steps to prevent and minimise the impact of malpractice and maladministration and:
 - uses documented procedures to investigate suspected malpractice and maladministration
 - promptly reports to the regulators any confirmed incidents of malpractice or maladministration that might invalidate an award or damage public confidence
 - takes reasonable steps to maintain the integrity of its qualifications and units
- makes available to the regulators, in a format and at such frequency as the regulators may determine, information as specified from time to time including information on qualifications registered and awarded, fees, other charges, revenues and costs
- makes available to the regulators the information they require to enable them to fulfil their regulatory role.

Questions

A. Do you agree that these conditions should be placed on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

B. Do you agree that an awarding organisation's governing body should be required each year to confirm whether or not the organisation is complying with the full suite of recognition conditions?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

4 How we will secure standards

4.1 A key reason why we regulate the qualifications sector is to secure standards, so that comparable qualifications require the same level of demand on learners for the award of the same result. This level of demand must be consistent over time and between awarding organisations. In this way we can establish and understand the value of different qualifications and the achievements they represent.

4.2 We will secure standards by:

- requiring that the level of demand required of learners taking different qualifications is clear
- requiring each awarding organisation to define clearly the knowledge, skills and understanding required of the learner for each of its regulated qualifications
- requiring each awarding organisation to use methodologies that provide assessments that minimise bias and are valid, reliable, comparable and manageable
- requiring each awarding organisation to put in place safeguards to make sure the standards of its qualifications are consistent with other comparable qualifications and consistent over time
- undertaking direct checks on the standards an awarding organisation is applying
- making specified qualifications subject to an accreditation requirement where we judge it is necessary to do so
- intervening when standards are at risk.

We currently work in each of these ways. We will continue to develop and strengthen our approach using our new statutory powers.

4.1 Clarity about the level of demand required of learners

4.1.1 The form, structure and where appropriately content of regulated qualifications are currently described in criteria. These, together with the descriptor for the level of the framework to which the qualification is referenced, define the level of demand required of learners. The amount of prescription set out in the criteria varies according to the nature of the qualification and the required degree of uniformity in qualification design.

- 4.1.2 We will transform the way new criteria are presented in future. They must be clear and precise as to the level of demand required, while also allowing for innovation in the way regulated qualifications are delivered and assessed. We will consult on new criteria before they are published. A key test for the criteria – and the question that we will ask awarding organisations that will work with the criteria – is, do the criteria speak for themselves? Do they define the level of demand required of learners so that awarding organisations can develop their qualifications with a clear understanding of the standard required?
- 4.1.3 We must also facilitate appropriate input into qualification criteria from qualification users, such as higher education institutions, subject associations employers and bodies such as Sector Skills Councils, and make sure proper use is made of National Occupational Standards where these are relevant to vocational qualifications. We are statutorily responsible for publishing the criteria. The forthcoming closure of the QCDA will pave the way for a new approach to developing criteria.

Conditions on compliance with requirements for units and qualifications

We will place on each awarding organisation conditions of recognition that will require it to apply the appropriate regulatory requirements to its units and qualifications.

It will be a condition of recognition that an awarding organisation:

- makes sure its qualifications and units meet any published regulatory requirements including relevant criteria, whether or not an accreditation requirement applies
- makes sure its qualifications and units meet the requirements of the qualifications and/or credit framework to which they are referenced
- makes sure any units or rules of combination developed by a body other than itself, and that it uses in its own awards, meet the relevant regulatory requirements
- submits accurate and timely information to allow for the award of composite qualifications
- it submits accurate and timely information to allow for the award of a composite qualification.

Question

C. Do you agree that these conditions should be placed on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

- 4.1.4 Currently regulated qualifications can be referenced to either the National Qualification Framework (NQF) or the Qualifications and Credit Framework (QCF). The NQF and the QCF both provide a means to describe and compare the level of demand a qualification places on learners. The QCF additionally provides a means by which learners' achievements can be recognised through the award of credit. This allows learners to accumulate and transfer credit towards a regulated qualification. The QCF also allows awarding organisations to share the units that make up qualifications and incorporate them within their qualifications.
- 4.1.5 The majority of vocational qualifications have been designed to meet the requirements of the QCF. Many of the qualifications taken by learners in schools, such as GCSEs and A levels, are referenced to the NQF.
- 4.1.6 The levels used in both the QCF and the NQF align, such that the relative demands on learners of qualifications in each of the frameworks can be compared.
- 4.1.7 There is a separate Framework for Higher Education Qualifications in England, Wales and Northern Ireland published by the Quality Assurance Agency for Higher Education (QAA). There is also a credit framework for use in higher education in England.
- 4.1.8 Qualifications frameworks are useful tools when designing, describing, comparing and regulating qualifications in a way that helps to secure standards of qualifications, both over time and between awarding organisations. The features of a framework can help those who rely on qualifications, including learners themselves, employers and higher education institutions, to understand learners' achievements.
- 4.1.9 The European Qualifications Framework (EQF) provides a means by which the relative levels of qualifications awarded across Europe can be compared. The EQF relies on the existence of domestic qualifications

frameworks. The levels of the QCF and the NQF have already been referenced to the EQF.

- 4.1.10 We propose to move to one framework to which all regulated qualifications currently in the QCF and NQF can be referenced. The framework will not impose one set of detailed design rules on all qualifications that might force unnecessary change or undermine their purpose or value. The single framework will accommodate the qualifications and units in both of the existing frameworks and mean that neither of the existing frameworks will absorb the other.
- 4.1.11 We propose an overarching framework for regulated qualifications that will be based on qualification levels. The nature of learner attainment required at each level should be described in a clear way that has meaning for a wide audience. All regulated qualifications will need to meet published requirements. Some qualifications will need to meet specific qualification criteria – for example the criteria for GCSE history. In addition to the requirements that will apply to all regulated qualifications, awarding organisations will be able to choose whether to apply the more detailed design requirements necessary for effective credit accumulation and transfer. These more detailed requirements will reflect the current QCF arrangements, revised as necessary in light of our current evaluation of the regulatory arrangements. Funding policy might provide incentives to awarding organisations to design their units and qualifications in particular ways, but that is a matter for Government.
- 4.1.12 This approach will allow us to reference all regulated qualifications to one framework. The approach will not force change on existing qualifications nor, therefore, result in additional costs.

Questions

D. Do you agree that we should revise the way that qualification criteria are developed and presented?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

E. Do you agree with our proposal to require all regulated qualifications to be referenced to one qualifications framework within which awarding organisations choosing to offer credit-based qualifications follow specific design rules?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

4.2 Obligations on each awarding organisation to define clearly the knowledge, skills and understanding required of learners for each of its regulated qualifications

4.2.1 Awarding organisations must clearly define what a learner must demonstrate in order to be awarded a qualification. If an awarding organisation clarifies the knowledge, skills and understanding required it is easier to demonstrate how a qualification compares to others. Learners, employers, higher education and other users of qualifications can also understand what is indicated by the award of a qualification. Additionally, the use of clear and meaningful titles helps users of qualifications to recognise and differentiate between them.

Conditions requiring a clear definition of learning outcomes

It will be a condition of recognition that each awarding organisation:

- sets out and publishes for each unit and qualification the required knowledge, skills, understanding, learning outcomes and assessment criteria
- documents how assessment outcomes are determined and the criteria against which learners' performance will be differentiated to ensure standards are secured, including between centres and, where appropriate, over time
- complies with relevant regulatory requirements on titling and makes sure its qualification titles are clear, meaningful, consistently used and accurately reflect the learning outcomes
- with the exception of foreign language units or qualifications, or units or qualifications designed for the workplace, only provides units, qualifications and assessments that are:
 - in English in England
 - in Welsh or English, or in Welsh and English, in Wales
 - in English, or English and Irish in Northern Ireland
- for units or qualifications designed for the workplace: provides assessments in English, Welsh or Irish and only offers assessments in other languages where proficiency in English, Welsh or Irish is not required for learners properly to carry out the role that is supported by the qualification
- follows the regulators' requirements for the design of certificates
- issues certificates only on the basis of a valid claim and within clearly communicated timescales
- takes reasonable steps in the design and issue of certificates to protect against their fraudulent use or issue, by authenticating claims to a replacement certificate and by labelling replacements as such
- includes on the certificate of a qualification for the workplace the language of assessment, where the language used was not English, Welsh or Irish.

Question

F. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

4.3 Requiring each awarding organisation to use assessment techniques that minimise bias and provide assessments that are valid, reliable, comparable and manageable

4.3.1 The awarding organisation must employ assessment techniques that will secure the standards of its regulated qualifications, protect the interests of learners and avoid undue burden and cost. We will use the following criteria to judge whether an awarding organisation’s assessments are of an appropriate quality:

- **Validity:** The assessment should generate results that provide a fair and accurate measure of the required knowledge, skills and understanding as specified by the assessment objectives. Validity is the central concept in the evaluation of the quality of assessments and so the focus of awarding organisations’ processes and procedures should be on ensuring and generating evidence to support the intended interpretation.
- **Reliability:** The assessment should generate results that provide a reliable measure of learner performance.
- **Comparability:** The assessment should generate results that are comparable in standards over time and between assessment sessions.
- **Minimising bias:** The assessment should minimise bias, differentiating only on the basis of learners’ ability to meet the assessment outcomes.
- **Manageability:** The assessment should be manageable so that the scale of the assessment process is balanced by the usefulness of the outcome.

Conditions on assessment techniques

It will be a condition of recognition that each awarding organisation develops and uses assessments for its regulated qualifications that secure validity, reliability, comparability and manageability and minimise bias by:

- producing evidence and results/outcomes that allow candidates, in different centres and at different times, to demonstrate whether or not they have met the required standards across the qualification
- allowing learners to generate evidence that is relevant and can be authenticated
- distinguishing effectively across any range of attainments tested by the assessment
- permitting accurate judgements to be made on the learner's performance
- defining, securing and monitoring any centre inputs into assessment arrangements
- using appropriate standardisation to make sure internal and external assessment decisions are reliable and meet the defined standards
- using clear procedures, including moderation and/or verification, to assure the quality of assessment processes
- using language and terminology appropriate for the assessment

G. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

4.5 Obligations on each awarding organisation to safeguard standards

- 4.5.1 Awarding organisations are accountable for the standards of their qualifications. We will not recognise an organisation to award regulated qualifications unless we are confident it will exercise its responsibilities properly. The criteria we will use to determine whether or not an organisation should be recognised test a number of aspects of an organisation's approach to the awarding function including qualification design, quality assurance and securing standards.
- 4.5.2 Each awarding organisation must check for itself that it is securing the standards of the qualifications and units it awards.

Conditions on safeguarding standards

It will be a condition of recognition that each awarding organisation:

- uses written agreements to define and record the obligations on centres involved with the delivery and award of regulated qualifications to support the assessment and award of qualifications and secure the outcomes needed to allow it and the regulators to fulfil their functions
- defines, secures and monitors any centre inputs into assessment arrangements
- uses clear procedures, including moderation and/or verification to assure the quality of assessment processes
- uses appropriate standardisation to make sure internal and external assessment decisions are reliable and meet the defined standards
- monitors, including over time, the demands placed on learners and the attainments required of learners for the award of comparable qualifications
- retains sufficient evidence of the outcomes of its monitoring to inform decisions about standard setting, awarding/certification outcomes, standardisation, assessments, enquiries and appeals so that a consistent level of attainment is required for comparable qualifications
- ensures that the outcomes of assessment, moderation and/or verification are comparable whichever language is used in the qualifications, units or assessments.

Question

H. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

4.6 Direct checks on the standards an awarding organisation is applying

4.6.1 We will check that an awarding organisation has appropriate safeguards in place to secure standards – both by auditing its systems and by scrutinising a selection of its qualifications. For example we will:

- observe training events for verifiers and examiners
- observe examiner and awarding meetings
- review assessment objectives and the quality and relevance of examination questions and assessment tasks.

4.6.2 We will require the awarding organisation to address any shortcomings we find which will, or may, prevent the awarding organisation maintaining standards. We will expect the awarding organisation to respond to any request that it takes action. If it does not, or if we require that it takes urgent or significant action, we will use our powers to give a direction.

4.7 Some qualifications will be subject to an accreditation requirement

4.7.1 A recognised awarding organisation can award regulated units and/or qualifications of the description it is recognised to award. If the awarding organisation is satisfied the qualification meets all regulatory requirements it can add it to the Register⁵ and make it available to learners as a regulated unit or qualification. However, we will make some qualifications or descriptions of qualifications subject to an accreditation requirement. We

⁵ All regulated qualifications and recognised awarding organisations will be listed on a Register that is accessible to the public.

may require all the qualifications offered by a particular awarding organisation to be accredited. This means we will check that the qualification complies with the accreditation criteria. If the qualification does not meet the criteria it cannot be made available to learners nor be entered onto the Register.

4.7.2 Our goal is to use the accreditation requirement sparingly. When we are confident that an awarding organisation's own internal processes will consistently secure the quality and standards of its qualifications we will not need routinely to apply an accreditation requirement to its qualifications. An awarding organisation will be able to demonstrate that we do not need routinely to use an accreditation requirement for its qualifications through:

- the quality of the qualifications it designs
- the rigour of its approach to qualification development and approval
- the consistency with which its qualifications meet the regulatory requirements and secure standards.

4.7.3 We will decide which qualifications we will make subject to an accreditation requirement on the basis of a judgement about the level of risk presented to learners or to the qualifications system. We will assess the risk presented by:

- a qualification or description of qualifications awarded by all awarding organisations and/or
- a qualification or description of qualifications when offered by an individual awarding organisation.

4.7.4 The factors we will take into account in making these decisions will include:

- public concern about a qualification that prompts closer regulatory attention in order to maintain or restore confidence
- the newness of a qualification or significant changes to its regulatory criteria
- concerns about an aspect of a qualification design
- an awarding organisation's experience of offering a particular qualification or type of qualifications

- concerns about the rigour and effectiveness of an awarding organisation's own approach to designing, developing and approving its qualifications
- the significance of a qualification to learners and to those who rely on the qualification as an indication of knowledge, skills and understanding.

4.7.5 We may also apply an accreditation condition as a means to verify the effectiveness of an awarding organisation's own qualification design, development and approval systems and our assessment of the risk the awarding organisation represents.

4.7.6 We will keep under review which qualifications or descriptions of qualifications we will make subject to an accreditation requirement. We will consult before making individual qualifications or descriptions of qualifications subject to a new accreditation requirement and publish our decisions. Where we make some or all of the qualifications of a specific awarding organisation subject to an accreditation requirement we will communicate this decision to the affected awarding organisation and explain why we have decided to apply the requirement.

4.7.7 We will publish the criteria we will use to test whether a qualification that is subject to an accreditation requirement should become a regulated qualification. An awarding organisation should use the criteria itself as it develops and approves of a qualification. We will use the criteria to test whether the awarding organisation has complied with:

- the general recognition conditions in respect of the qualification
- any recognition conditions to which it is subject
- any recognition conditions that apply to the specific qualification
- the relevant qualifications criteria, including subject criteria.

Question

I. Do you agree with the approach we will use to determine which qualifications should be subject to an accreditation requirement?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

4.8 We will intervene when standards are at risk

4.8.1 If we have evidence that standards are at risk, the awarding organisation will be in breach of the conditions set out above. In this case we will request the awarding organisation to take a particular action or cease to act in a particular way. If we are not confident that the awarding organisation will comply with our request, or if urgent action is needed, we will give a direction in accordance with our procedures. We must give notice of our intention to give a direction and invite a response from the awarding organisation concerned. Any such response must be given within a specified period. The period allowed for a response may be short where this is necessary to secure standards. A direction is enforceable through the courts.

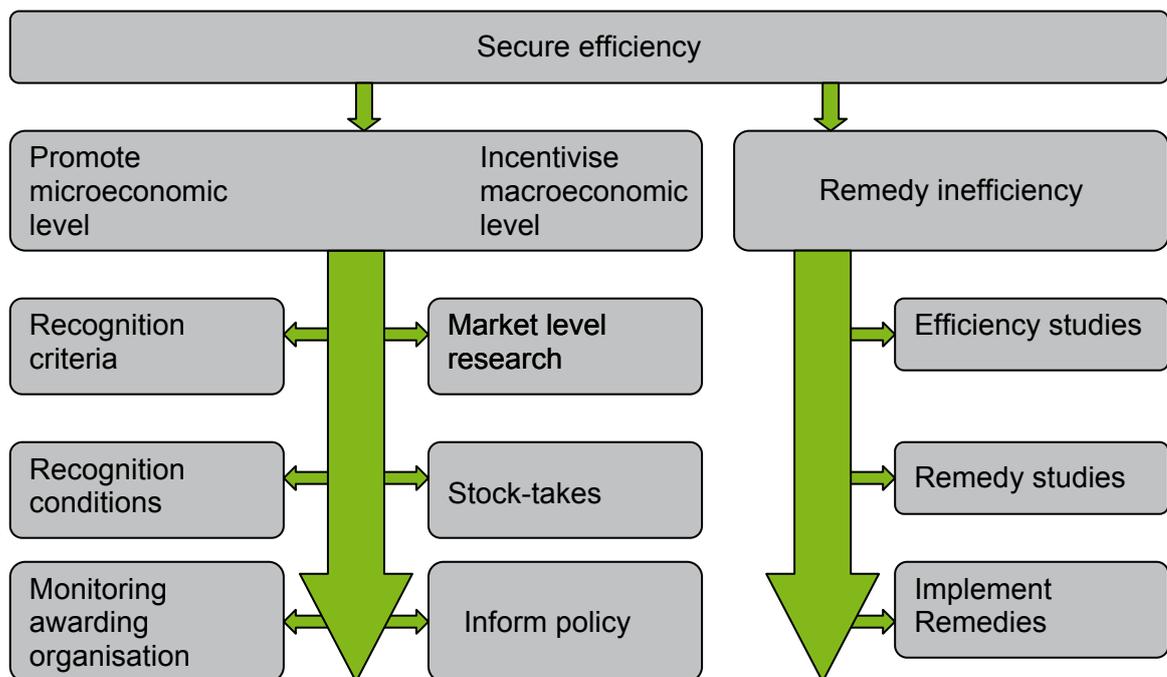
5 How we will secure efficiency and value for money

5.1 We have published a linked consultation on how we will secure efficiency and value for money in the provision of regulated qualifications. Please read and respond to that consultation by following www.ofqual.gov.uk/consultations. We have included only a brief summary of our proposals here. Our approach includes proposals aimed at:

- promoting the efficiency of individual awarding organisations through:
 - a recognition criterion that requires, before entry into the regulated sector, the awarding organisation’s intention to operate efficiently and provide regulated units and qualifications that offer value for money
 - requiring awarding organisations to demonstrate compliance with recognition conditions on an ongoing basis to provide an indication that they are operating efficiently

- undertaking monitoring activities to inform our knowledge of the efficiency with which particular qualifications are provided
- incentivising efficiency within the system through:
 - conducting research to inform our understanding of the drivers of behaviour across the sector
 - undertaking stock-take exercises to stimulate debate of topical issues
 - informing policy and minimising regulatory burden
- remedying inefficiency when this occurs by:
 - using a series of indicators to determine where there may be a significant risk of inefficiency
 - undertaking efficiency studies in areas where we have identified a risk of inefficiency
 - identifying the next course of action and, where necessary, undertaking remedy studies
 - implementing remedies including fee-capping where necessary.

Figure 1: Ofqual’s approach to securing efficiency



- 5.2 As many aspects of efficiency are within the influence of awarding organisations, our recognition criteria and conditions and our monitoring process will play a key role in promoting efficiency at the level of the awarding organisation (the microeconomic level). However, we recognise that the actions of other market participants, such as government and regulatory bodies at the system level, will also impact on the efficiency of qualifications provision. For example public policies and regulations may affect the extent to which awarding organisations are able to reduce their costs or develop new processes and services over time. Therefore we will also seek to understand the extent to which behaviours at the system level may be driving the efficiency of awarding organisations, and wherever possible we will seek to facilitate encourage within the broader system.
- 5.3 In addition we acknowledge that effective purchasing choices on the demand side are also necessary to secure efficiency and value for money at the individual qualification level. Our work with other stakeholders, such as the funding agencies, to create more effective purchasers will inform our work in this area.
- There is considerable merit in taking this holistic approach to economic regulation. Not only is it necessary to come to a balanced and justifiable view on the need for regulatory intervention, but it will also provide scope for us to contribute to broader policy work aimed at securing the efficient functioning of the sector and will highlight where the actions of a range of different participants may be creating inefficiency.
- 5.4 The statutory objectives that underpin our recognition process cannot be viewed in isolation and therefore each of the criteria and conditions that flow from them are linked with our efficiency objective. Nonetheless, some of the conditions that are more directly related to the economic concepts outlined in *Consultation on Economic Regulation and the Fee Capping Process*⁶ are set out below.

⁶ <http://comment.ofqual.gov.uk/economic-regulation-and-fee-capping/>

Conditions to secure efficiency and value for money

It will be a condition of recognition that each awarding organisation:

- offers regulated units and qualifications that represent value for money
- has a clear rationale for offering for sale combinations or packages of products and/or services and check such combinations/packages do not unnecessarily or unfairly restrict purchasers' freedom of choice
- is able to demonstrate a fair invoicing policy for purchasers, with relevant payment terms appropriate to the products and services supplied
- conducts all marketing, selling and promotion of its qualifications and services such that no misleading information is disseminated to purchasers
- makes available to purchasers and end users, in an open and transparent manner, information on fees for its regulated qualifications in particular by:
 - avoiding excessively complex pricing structures
 - hyperlinking comprehensive fees lists to the Register of Regulated Qualifications
 - using best endeavours to publish indicative fees and charges in advance, to assist centres purchasing and budgeting processes.
- does not place or retain any unnecessary requirements on centres and others parties involved in the provision, delivery or award of regulated qualifications and units.

- 5.5 We are seeking feedback on these conditions and on our overall approach to securing efficiency and value for money in our linked consultation ⁷

6 How we will secure fairness for learners

- 6.1 Learners of all ages invest considerable time and often money in their efforts to be awarded a regulated qualification. The award of a qualification can open doorways. Conversely a failure to gain a qualification can close down opportunities for progression. But fairness works both ways: it is not fair on those who legitimately secure a qualification if others are awarded that qualification when they have not deserved it. The public will not have confidence in regulated qualifications and the benefits of regulated qualifications will not be realised if learners are treated unfairly.
- 6.2 Awarding organisations must comply with specific duties placed on them by equalities legislation. An awarding organisation must not place unjustifiable barriers on learners that prevent them from demonstrating their knowledge, understanding and skills.

⁷ <http://comment.ofqual.gov.uk/economic-regulation-and-fee-capping/respond>

Conditions to secure fairness for learners

It will be a condition of recognition that each awarding organisation:

- takes all reasonable steps to act in a way that is fair and equitable for the diverse needs of its learners and meets applicable equality legislation
- collects and analyses sufficient data to enable it to monitor whether any features of its regulated qualifications or units disadvantage particular groups of learners
- takes reasonable steps to identify and preclude any unjustifiable barriers in its qualifications and units that might prevent learners who share particular characteristics from demonstrating their knowledge, understanding or skills
- justifies any barriers to units or qualifications that remain
- makes arrangements for reasonable adjustments for disabled learners in accordance with legislation
- publishes its policies and implements arrangements to give special consideration to candidates who experience temporary illness, injury or indisposition at the time of the assessment, in line with relevant regulatory requirements
- publishes and follows clear, fair and equitable procedures and timelines for dealing with complaints, enquiries and appeals
- collates, evaluates and provides to the regulators on request information and data on:
 - the nature and number of complaints it has received and to which it has responded
 - the number of enquiries about results it has received and to which it has responded
 - the nature and number of appeals it has received and considered and their outcomes
 - the number and nature of alleged and confirmed incidents of malpractice and maladministration

- takes appropriate corrective action and/or preventative action for all learners affected when a complaint or appeal is upheld
- involves in its appeals process one or more people who are verifiably independent of the awarding organisation and who have no interest in the outcome of the appeal
- cooperates with, and meets the requirements of, any external complaints and appeals arrangements put in place by the regulators
- gives reasonable notice to the regulators of its intention to surrender its recognition in respect of specific qualifications or descriptions of qualifications and of its intention to withdraw any qualifications
- takes all reasonable steps to protect the interests of all learners and provides information about the protections put in place when a qualification is withdrawn or recognition surrendered and agrees a withdrawal plan with the regulators.

Question

J. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

6.1 The reasonable needs of higher education, employers, the professions, finance and learners

6.1.1 Qualifications should be developed for a specific purpose and be fit for that purpose. A qualification designed for learners working in, or planning to enter, a particular employment sector should be suitable for that sector's needs. Similarly a qualification designed to support entry to higher education should recognise learners' preparedness to progress.

6.1.2 The Act places on us a duty to make sure that learners have a good choice of qualifications but that there is not an excessive number of qualifications with different titles in a similar area serving similar functions.

Conditions to address the needs of qualification users

It will be a condition of recognition that each awarding organisation:

- develops units and qualifications that are fit for purpose and records the rationale and justification for their development
- demonstrates that relevant employment or education sectors support its units and qualifications and confirm the units and qualifications provide progression opportunities for learners
- provides accurate and timely information about its regulated qualifications and units in response to enquiries from learners, centres, employers, higher education institutions and other users of qualifications
- supports informed choices by publishing in an accessible format clear, accurate and timely information on its regulated units and qualifications and its associated services.

Question

K. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

6.2 Transforming the way we regulate

- 6.2.1 We recognise that some aspects of our current regulatory approach work well and require little change. Other aspects work less well or do not fit well with our statutory duties and powers. We will transform the way we regulate to make sure we fulfil our commitment to be an evidence-based regulator and that we target our interventions in response to our assessment of risk posed to standards, learners, efficiency and public confidence in regulated qualifications.
- 6.2.2 We intend to manage the changes in a coordinated way, engaging with stakeholders and making sure both we and those we regulate continue to be effective during the period of change.

6.3 Recognising awarding organisations

- 6.3.1 A new organisation will enter the regulated qualifications market through the recognition process. We must use the process so that we allow into the regulated market only those organisations that have the capacity, capability, resources and governance arrangements to award regulated qualifications in a way that secures standards, efficiency, fairness to learners and public confidence.
- 6.3.2 We have previously consulted on the criteria against which we will assess new applications for recognition. We have refined these criteria in the light of the feedback we received. We intend that the initial assessment of an organisation's application to become an awarding organisation should be demanding.
- 6.3.3 Organisations that are already recognised to award qualifications will not be required to make a fresh application for recognition. They will instead be required to demonstrate that they are complying with the recognition conditions. See the later section 'Transition to transformation' for details of the transitional arrangements.
- 6.3.4 The recognition criteria are set out below. They are reproduced in Annex 1 together with the indicators we will look for when we decide whether an organisation meets the criteria and the evidence we might expect to receive in support of an application.

Recognition criteria

1. The organisation:

- is formally established**
- is governed, organised and behaves in a way that will promote its stability and support the integrity of the awarding function**
- provides for accountability at the highest level for the awarding function**
- identifies and manages any real or potential conflicts of interest between its awarding and other functions.**

2. The organisation has the resources, including the expertise, necessary to develop, assess and quality assure the qualifications it is intending to offer.

3. The organisation's operational approach to qualifications development, assessment and awarding will ensure that:

- qualifications and assessments are valid, reliable, manageable and secure and reflect the needs of diverse learners**
- standards are maintained between comparable qualifications including over time.**

4. The organisation's approach to quality assurance is robust and systematically applied and external input provides assurances about quality and the comparability of standards.

5. The organisation is financially viable.

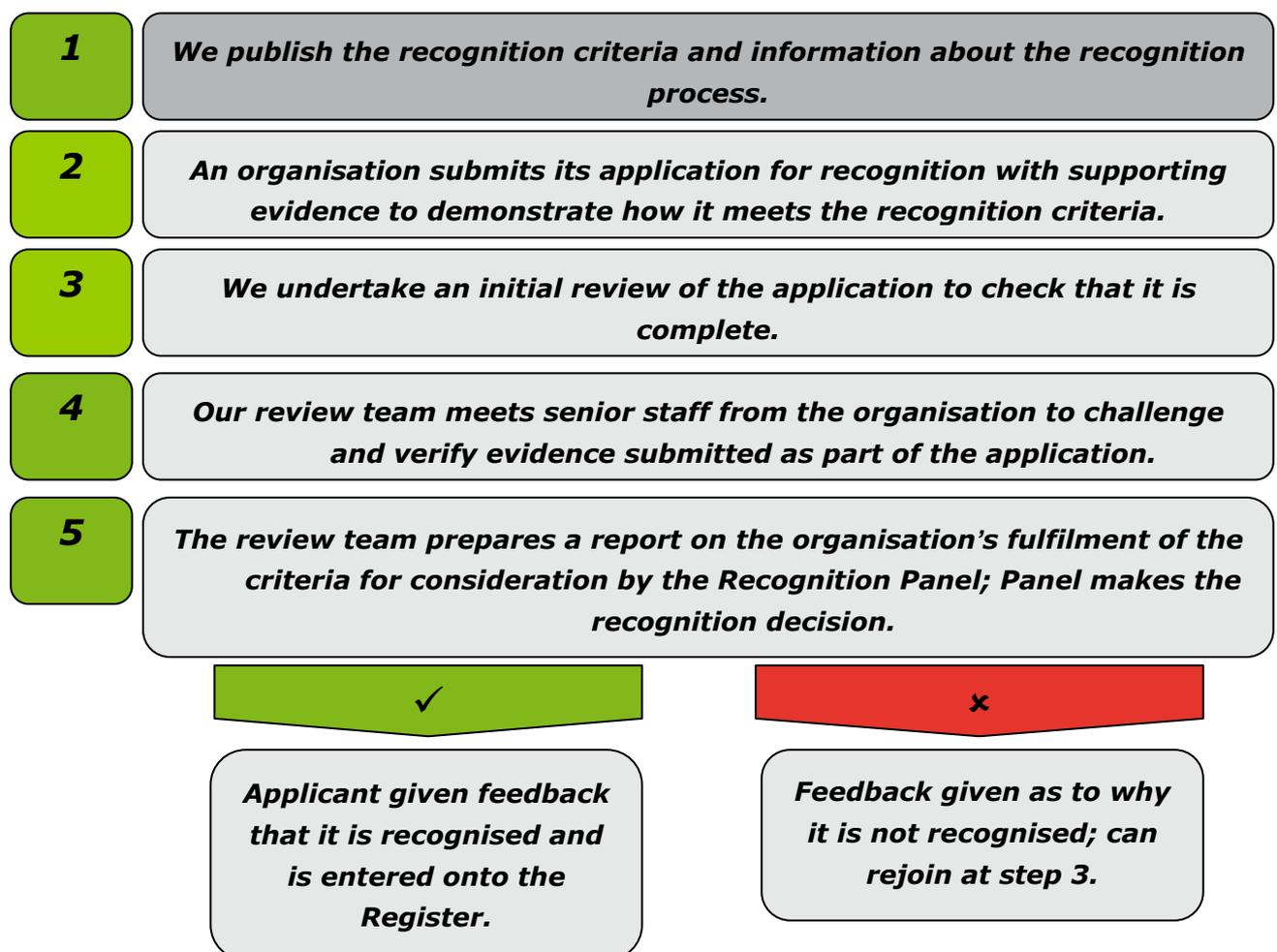
6. The organisation intends to operate efficiently and provide regulated units and qualifications that offer value for money

7. The organisation is committed to meeting, and has the capacity to meet, the general conditions of recognition.

6.3.5 We are changing our recognition process to make sure we effectively assess and challenge the evidence put forward in support of an application for recognition. We will no longer rely solely on a desk-based assessment of evidence. We will meet with representatives of the organisation making the application to challenge and verify the authenticity and strength of the evidence put forward to support its application.

- 6.3.6 A panel will decide whether or not the applicant meets the criteria, based on the evidence before it. We are considering whether we should involve in the scrutiny of evidence reviewers drawn from the awarding organisation sector (to allow for an element of peer review). We are also considering whether to involve as reviewers, people who have relevant skills and expertise from outside the awarding organisation sector.
- 6.3.7 We will take recognition decisions within a published timeframe. Where we are not satisfied that the criteria are met we will reject the application and give reasons for our decision. Our process will be as follows:

Figure 2: Recognition decision-making process



Questions

L. Do you agree that by applying the recognition criteria we will distinguish between organisations that are fit to be recognised as awarding organisations and those that are not?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
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Comments:

M. Do you agree that peer reviewers should contribute to the scrutiny of evidence submitted in support of a recognition application?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

N. Do you agree that reviewers with relevant knowledge and experiences gained outside of the awarding organisation sector should contribute to the scrutiny of evidence submitted in support of a recognition application?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments.....

6.4 Regulatory requirements

6.4.1 Recognition conditions will be the focus of our regulatory requirements. We aim to remove in due course some of the more detailed and prescriptive regulatory requirements that have characterised previous regulatory models. However, we must first make sure that awarding organisations are meeting the recognition conditions and that the premise of our approach, that awarding organisations accept responsibility for the quality and standards of their qualifications, is accepted.

- 6.4.2 We have set out guidance to accompany the general conditions of recognition. We have developed this guidance with input from a number of awarding organisations that told us that short guidance that they could read alongside the conditions would be helpful. In line with the legislation the guidance sets out the types of behaviour we would expect to see an awarding organisation demonstrate.
- 6.4.3 An awarding organisation should have regard to the guidance. However, the guidance does not tell awarding organisations what to do; it is not prescriptive. Guidance should help an awarding organisation understand what behaviour provides evidence that it is meeting the conditions. Where it is obvious what type of behaviour would evidence compliance with a condition no guidance is offered.
- 6.4.4 We will intervene if we find an awarding organisation is not complying with one or more of the conditions of recognition to which it is subject. The measures we take will reflect the severity of the impact of non compliance and the urgency with which action must be taken.

Questions

O. Do you agree that the general conditions set out a reasonable set of requirements for all awarding organisations to meet?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

P. Do you agree that the supporting guidance, set out in Annex 2, will help an awarding organisation understand the behaviours that would indicate compliance with the conditions?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments.....

6.5 Quality assurance

- 6.5.1 Each awarding organisation is responsible for the quality and standards of its qualifications and for the value for money provided by the qualifications and services it provides. Each awarding organisation's governing body will be required to confirm whether it is complying with the recognition conditions to which it is subject.
- 6.5.2 In addition we will require each awarding organisation to provide evidence of the steps it is taking to secure the standards of its qualifications and the value for money it provides. This evidence will be presented in the format of a self-evaluation.
- 6.5.3 When we first introduce the full suite of conditions we will require the governing body of each awarding organisation to evaluate its compliance with the conditions and present its conclusions and supporting evidence to us using a common template. We will continue to require an annual declaration of compliance, but the frequency with which an awarding organisation must submit a self-evaluation to us will be determined by our risk assessment of that organisation and/or the qualifications it awards.
- 6.5.4 The recognition conditions cover all aspects of an awarding organisation's regulatory functions. An awarding organisation's own quality assurance arrangements will need to reflect this. An awarding organisation will need to review, for example, the effectiveness with which it secures the standards of its qualifications, whether any features of its qualifications disadvantage particular learners and the efficiency with which it operates.

6.6 The nature of risk

- 6.6.1 We will use risk assessment to decide when and how we should intervene. This will enable us to fulfil our commitment to be both targeted and proportionate in our activities. We will intervene to make sure:
- an individual awarding organisation is meeting the recognition conditions – securing the standards of its awards and the value for money of its qualifications and services
 - the standards of comparable qualifications are consistent, both between awarding organisations and over time.
- 6.6.2 We will therefore need to identify both specific risks and system-wide risks.

6.7 Assessing risk

- 6.7.1 We will gather evidence from a range of sources, including the outcomes of an awarding organisation's self-evaluation and its data reports, its

complaints profile and our own due diligence enquiries. We will use the findings from our other regulatory interventions for example the quality of qualifications submitted to us for accreditation. We will also use findings from other regulatory, quality assurance and funding bodies. This will inform our assessment of an awarding organisation's capacity to fulfil properly its awarding role.

- 6.7.2 Horizon scanning of the sector as a whole, including incentives that might impact on standards and efficiencies, will inform our understanding of system-wide risks. We will also undertake, for example, our own modelling of examination results, research into the comparability of qualifications (between qualifications and over time), thematic research, sampling of compliance with qualification criteria and research on trends in fees.

6.8 Data and information

- 6.8.1 Information and data about an awarding organisation's activities and functions will help us assess its performance and the level of risk it presents to learners, standards and to the efficient operation of the qualifications market. However, our approach to information and data collection will be judicious. We will only collect information and data for a reason.

- 6.8.2 We will publish each year the information and data we will require for the next operating period and give reasonable notice of any new requirements. We will explain why we are collecting the information and data and how we will use it. This will help awarding organisations to provide timely, accurate and complete data to us. The areas on which we will require data will include:

- grade information to support qualification standardisation exercises
- data relating to the timely delivery of general qualifications
- fees information on revenues and costs disaggregated to the level of the regulated qualifications business to support monitoring of efficiency
- information on the number and nature of units and qualifications awarded
- information about complaints
- information about the centres with which an awarding organisation has agreements.

6.9 Interventions

6.9.1 Where we identify risks specific to an awarding organisation we will investigate the risks further before deciding whether any, and if so what, enforcement action is necessary. For example we may:

- undertake an audit of an awarding organisation's policies and practices and investigate individual systems as appropriate, such as quality assurance arrangements, assessment design, marking or moderation, assigning credit, customer service or information technology support
- observe training, standardisation, moderation and awarding meetings
- visit centres to test systems
- make some or all of its qualifications subject to an accreditation requirement.

6.9.2 Where we identify systemic risks we may, for example:

- undertake thematic audits, for example of a GCSE, QCF units or comparability of standards
- write formally and publicly to accountable officers alerting them to endemic risks and asking them to take action
- undertake a series of visits to the awarding organisations that offer the affected qualifications to explain the concerns and gain each awarding organisations' agreement to take any necessary action; we may give a direction where appropriate.

6.9.3 We will evaluate and revise our risk assessments on an ongoing basis. An awarding organisation that is assessed to present a low risk to learners, standards or the efficiency of the market will be subject to lower frequency and intensity of intervention from us. Where we consider an awarding organisation is a high risk we will agree with the organisation the steps it should take to reduce the risk.

6.9.4 This approach should provide a good incentive for an awarding organisation to operate effective and efficient practices across all of its awarding functions – a deficiency in one qualification could be an indication of a risk to a number of qualifications and our risk assessment and response would reflect this.

7 Action and enforcement

7.1 We expect an awarding organisation to identify for itself any deficiencies in its ways of working and take action to put things right. By using a robust approach to recognition and by requiring an awarding organisation to evaluate and declare whether it is complying with the recognition conditions we should not need to use on a regular basis our full range of enforcement powers.

7.2 Where necessary, however, we will require an awarding organisation to take action. For example an awarding organisation might need to:

- change a grade boundary to bring its qualifications in line with other awarding organisations and to secure consistency with the standard of the qualifications awarded in previous years,
- improve its own qualification approval process,
- remove unnecessary costs from its ways of working that are being recovered through fees and other charges.

7.3 We set out in our consultation last year how we will use our enforcement powers⁸. The approach we take will be proportionate to the seriousness of the deficiency an awarding organisation must address. We have statutory powers to:

- impose specific conditions on an awarding organisation, including a fee-capping condition,
- make a direction setting out action that an awarding organisation must take or refrain from taking where it has failed to comply with a condition,
- withdraw recognition in full or in respect of particular types of qualifications.

7.4 We can also take less formal action and, subject to the seriousness of the matter, we might in the first instance invite an awarding organisation to correct a problem within a given period of time. We will report publicly on our findings and on the actions we require an awarding organisation to take.

⁸ comment.ofqual.gov.uk/regulating-for-confidence-in-standards/executive-summary/monitoring-and-enforcement

8 Transition to transformation

8.1 Both Ofqual and each awarding organisation will need to work in new ways in future. We have already made a number of changes to how we work, for example:

8.2 All awarding organisations are now subject to a suite of general recognition conditions, introduced as part of the transitional arrangements in April 2010. The general conditions require awarding organisations to:

- meet continually the recognition criteria for the qualifications or credits in respect of different components of a qualification that it has been recognised to award
 - continually comply with the accreditation criteria and codes of practice specifically applying to the regulated qualifications or components that it is awarding
 - only award QCF qualifications that comprise components or rules of combination that have met the relevant requirements specified by us and developed by organisations that have also met the relevant requirements
 - inform us if it intends no longer to offer a form of qualification that it is accredited to award and ensure that all conflicts of interest that might impact on the credibility of the regulated system, including those arising from the provision of education and/or training and the award of the resulting qualification, are managed appropriately
 - deal with us in an open, cooperative way and disclose to us any information or issues of which we would reasonably expect to be aware
 - provide any other information that we reasonably request for the discharge of our functions and achievement of our objectives.
- We have given each awarding organisation a named contact within Ofqual to help it gain quick and easy access to information. A number of awarding organisations asked us to introduce such contacts in their responses to our earlier consultation.
 - We have removed the concept of accreditation 'end dates'. Previously qualifications were accredited for a finite period. This led to a presumption that qualifications would change at given intervals. We have replaced end dates with review dates. It is good practice for an

awarding organisation to review periodically whether a qualification remains fit for purpose. By setting a review date we require an awarding organisation to undertake such a review. But there is no longer an expectation that the qualification, or any criteria that underpin it, will necessarily change at that time.

- We have developed a new Regulatory Information Technology System (RITS) with a first release scheduled for 25 October 2010. This first release will enable us to operate independently of the legacy QCDA regulatory systems – Web Based Accreditation (WBA) and the National Database of Accredited Qualifications (NDAQ) – while supporting three-country regulation. RITS will effectively replace WBA at the same time as the new Register of Regulated Qualifications will replace NDAQ. More than 100 awarding organisations have piloted the RITS system. They have uploaded data and documents onto the system, which has given us a single repository of regulatory documents, allowing us to collect data once and use it many times. RITS is the foundation for a single regulatory view of each recognised organisation, facilitating our risk-based approach.
- We have identified and implemented a number of changes to our business processes to improve their effectiveness, including:
 - an electronic registration form for prospective awarding organisations
 - new qualification monitoring code compliance observation reports
 - a new format for reporting regulatory findings to awarding organisations
 - an ongoing scrutiny programme to improve validity/credibility of regulatory findings
 - a more coordinated approach to some of our operational activities, to share intelligence between all monitoring and investigation teams
 - removing the need for QCDA approval of pre-16 qualifications and foundation learning (for funding purposes) before accreditation thereby reducing the time taken to accredit.
- We have managed an efficient and effective changeover to the new regulatory arrangements for Northern Ireland. We have worked with CCEA to set out the changes in roles and responsibilities and briefed all the key stakeholder groups on these.

- 8.3 Following this consultation we will finalise, in light of feedback, the full suite of general recognition conditions to which all awarding organisations will be subject. We appreciate that each awarding organisation will need to undertake a thorough review of its policies and practices and make changes to the way it works before its board or governing body can make a declaration that it is fully compliant with the conditions. We plan to allow each awarding organisation a period of 12 months from the time the conditions are published in final form to undertake its review, make such changes as are necessary and for its governing body to make the required declaration of compliance.
- 8.4 When we publish the final set of conditions to which all awarding organisations will be subject we will publish the template organisations will use to confirm and verify that they are meeting all of the conditions. We aim to publish the conditions in final form by 31 March 2011.
- 8.5 We will also publish our data submission requirements for the annual operating period.

Question

Q. Do you agree that it is reasonable to allow each awarding organisation a period of 12 months to make sure it is complying fully with the conditions of recognition?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

How to respond

Please respond to the questions we have asked using one of the following methods:

- completing the online response form at
<http://comment.ofqual.gov.uk/from-transition-to-transformation/respond>
- emailing a completed response form to consultations@ofqual.gov.uk –
Please include the consultation title as your email subject.
- emailing your response in an alternative format to consultations@ofqual.gov.uk –
please include the consultation title as your email subject.
- posting your response to:

From Transition to Transformation
Ofqual
Spring Place
Coventry Business Park
Herald Avenue
Coventry
CV5 6UB

Responses should be received by us no later than 31st January 2011.

Annex 1: Draft recognition criteria

Criteria ⁹	Indicators that an organisation meets the criteria ¹⁰	Typical evidence ¹¹
<p>1. The organisation:</p> <ul style="list-style-type: none"> ■ is formally established, ■ is governed, organised and behaves in a way that will promote its stability and support the integrity of the awarding function, ■ provides for accountability at the highest level for the awarding function, ■ identifies and manages any real or potential conflicts of interest between its awarding and other 	<p>Clear lines of accountability for general management and governance and a specific line of accountability to the board or governing body for the awarding function.</p> <p>Adherence to established principles of good governance and risk management.</p> <p>A track record of successful operations.</p> <p>Other activities undertaken by the organisation do not conflict with the awarding function or undermine public confidence in regulated qualifications.</p> <p>Strong and effective governance.</p> <p>Due diligence tests provide evidence of the organisation's reliability, stability and</p>	<p>An organisational structure chart.</p> <p>Job descriptions for key officers.</p> <p>Articles of association (or equivalent).</p> <p>Audit reports.</p> <p>Business plan.</p> <p>Business continuity plan.</p> <p>A risk management strategy.</p> <p>Policies and procedures for identifying and managing conflicts of interest.</p> <p>Information about other activities undertaken by the organisation.</p> <p>Details of key contacts and of</p>

⁹ What an organisation will need to demonstrate before it is recognised.

¹⁰ The characteristics of an organisation likely to fulfil the criteria.

¹¹ Examples of the types of evidence an organisation might provide to demonstrate that it meets the criteria. Note: the evidence provided will vary according to the nature of the organisation, its size and its maturity at the time of the application; the examples given are not prescriptive or exhaustive.

Criteria ⁹	Indicators that an organisation meets the criteria ¹⁰	Typical evidence ¹¹
<p>functions.</p>	<p>appropriate behaviour.</p>	<p>their roles.</p> <p>Details of a board level contact (or equivalent) and of their role.</p> <p>Registration with appropriate authorities such as the Charity Commission, Companies House or their equivalents.</p>
<p>2. The organisation has the resources, including the expertise, necessary to develop, assess and quality assure the qualifications it is intending to offer.</p>	<p>An information technology system that will support the organisation's awarding function.</p> <p>Access to people with current knowledge and understanding of the qualifications sector and assessment methodologies appropriate to the qualifications the organisation offers or is planning to offer.</p> <p>An understanding of the demand for its (planned) qualifications, of the qualification development and delivery cycle and of the peaks and troughs in activities.</p> <p>Secure business premises.</p>	<p>Information technology strategy.</p> <p>Human resources strategy.</p> <p>Structure chart.</p> <p>A recent skills audit.</p> <p>Sample key job descriptions and person specifications.</p> <p>Sample CVs for key roles.</p> <p>Sample job advertisements for key roles.</p>

Criteria ⁹	Indicators that an organisation meets the criteria ¹⁰	Typical evidence ¹¹
<p>3. The organisation's operational approach to qualifications development, assessment and awarding will ensure that:</p> <ul style="list-style-type: none"> ■ qualifications and assessments are valid, reliable, manageable and secure, and reflect the needs of diverse learners, ■ standards are maintained between comparable qualifications, including over time. 	<p>Qualification development is informed by an understanding of good practice and the needs of learners, employers and higher education as appropriate.</p> <p>Qualification development complies with any specific external requirements; for example of the regulator, a professional body or a sector.</p> <p>The demand for, and supply of, qualifications is investigated and taken into account at an early stage of the qualification development process.</p> <p>Assessment is managed by people with appropriate expertise.</p> <p>Qualification and assessment design are informed by an understanding of statutory requirements to make qualifications and assessments accessible and by good practice on accessibility.</p> <p>Where the organisation is offering or planning to offer vocational qualifications, effective interaction with the relevant sector skills council(s) and/or other standards-setting or employer-based bodies.</p>	<p>Policies and procedures on qualification development and assessment.</p> <p>The outputs from internal review/approval processes.</p> <p>Sample qualification specifications and assessments.</p> <p>Surveys of learners, employers and higher education (if available).</p> <p>Impact assessments used to identify any barriers to access to the qualification.</p> <p>Policies and practices on considering requests for reasonable adjustments.</p>
<p>4. The organisation's approach to quality</p>	<p>The quality and standard of qualifications and assessments</p>	<p>Quality assurance</p>

Criteria ⁹	Indicators that an organisation meets the criteria ¹⁰	Typical evidence ¹¹
<p>assurance is robust and systematically applied and external input provides assurances about quality and the comparability of standards.</p>	<p>are regularly and systematically reviewed.</p> <p>Feedback from users, including learners, centres and employers is routinely sought and used to inform the reviews.</p> <p>Performance against published service standards is reviewed and the outcome published.</p> <p>External experts provide input into the quality assurance arrangements.</p> <p>Action is taken to enhance the quality and secure the standards of qualifications and awards.</p>	<p>policies/handbook.</p> <p>The outputs of recent internal or external quality reviews.</p> <p>Examples of the mechanisms used to collect feedback.</p> <p>Self-evaluation reports.</p> <p>The organisation, nature and influence of external advisers in the quality assurance arrangements.</p>
<p>5. The organisation is financially viable.</p>	<p>Directors provide assurance confirming the financial viability of the organisation.</p> <p>Any parent/group is commitment to financially support the organisation.</p> <p>Ratio of cash-flow analysis confirms short-term and medium-term financial viability of the organisation.</p>	<p>Director's statement confirming financial viability.</p> <p>Financial statements and audit reports.</p> <p>Cash-flow forecasts.</p> <p>Statement from parent company or group (where applicable) that sets out policies and comment on financial support of the awarding organisation.</p> <p>Cash-flow.</p> <p>Business plan.</p>

Criteria ⁹	Indicators that an organisation meets the criteria ¹⁰	Typical evidence ¹¹
<p>6. The organisation intends to operate efficiently and provide regulated units and qualifications that offer value for money</p>	<p>The organisation demonstrates an understanding of Ofqual's framework for economic regulation and any associated regulatory requirements.</p> <p>The organisation is committed to providing units, qualifications and associated services that are fit for purpose and meet the need of purchasers and end users.</p> <p>The organisation has identified the most efficient way to carry out any processes that it intends to put in place relating to the design, development and delivery of units and of regulated qualifications and in the provision of associated services.</p> <p>The organisation has management systems in place to understand the costs of providing units, qualifications and associated services and has committed to a culture of continuous improvement to secure efficiency savings for itself and its customers.</p>	<p>Evidence of relevant research into the qualifications sector and the organisation's intended customer base.</p> <p>The planned operational structure of the organisation and the intended allocation of resources.</p> <p>Appropriate management accounting and reporting systems.</p>
<p>7. The organisation is committed to, and has the capacity to, meet the general conditions of recognition.</p>	<p>An evaluation of the organisation's capacity to comply with the conditions has been undertaken and reviewed at the highest level within the</p>	<p>Confirmation from the chair of the board or governing body that the application for recognition has its support</p> <p>That the information supplied to</p>

Criteria⁹	Indicators that an organisation meets the criteria¹⁰	Typical evidence¹¹
	<p>organisation.</p> <p>Compliance with the conditions has been built into the organisation's policies and procedures.</p>	<p>support the recognition application is accurate, current and complete, and that the organisation will comply with the recognition conditions.</p> <p>A self-evaluation by the organisation of its capacity to comply with the conditions, an action plan that sets out any actions it needs to take to ensure compliance and an account of the actions taken to date.</p>

Annex 2: Draft recognition conditions

Governance, management, quality assurance, resources and responsibilities to the regulators		
Headline condition. An awarding organisation must :		
A	Have in place appropriate governance, management, quality assurance arrangements and resources and cooperate with the regulators	
Detailed conditions. An awarding organisation must :		Guidance. Behaviours that would provide evidence that an awarding organisation is meeting this condition include:
A1	<p>Name a senior officer, to be known as the accountable officer, who is answerable to the regulators for:</p> <ul style="list-style-type: none"> ■ the quality and standards of the awarding organisation’s regulated units and qualifications and adherence to the regulatory requirements, ■ the efficiency with which its regulated qualifications and units are developed, delivered and awarded , ■ meeting it duties under equality legislation in the way it designs, delivers, assesses and awards units and qualifications. <p>The accountable officer must be of sufficient seniority to be able to give effect to these requirements.</p>	No guidance required.

<p>A2</p>	<p>Establish and maintain the capacity, capability, processes and controls to carry out its regulated functions effectively including:</p> <ul style="list-style-type: none"> ■ the competence of its staff and others who contribute to its qualifications development, delivery and awarding functions, ■ appropriate technological support, ■ the policies and procedures necessary to safeguard the development and award of qualifications and units that secure standards and efficiency and protect the interests of learners and other users of qualifications. 	<p>Making sure its staff and others involved with the development, delivery and awarding functions are competent in their roles.</p> <p>Reviewing and evaluating on an ongoing basis its current and future resource requirements.</p> <p>Planning and providing for technological maintenance and developments.</p> <p>Assessing the impact of any of its proposed developments on its resource and requirements and ensuring these can be satisfied.</p>
<p>A3</p>	<p>Systematically monitor, review and enhance where necessary its approach to the design, development, approval, delivery and awarding of regulated qualifications</p>	<p>Having a culture of continuous improvement.</p> <p>Seeking, and giving due consideration to, feedback from</p>

	and units.	learners, centres, employers, higher education institutes and representative groups.
A4	Take reasonable and demonstrable steps to identify and manage conflicts of interest between its awarding functions and any other activities that it undertakes, or with which it is connected, so as to avoid a detrimental impact on the standards of, or public confidence in, regulated units and qualifications or the efficiency with which they are provided.	<p>Reviewing the scope of the other activities it undertakes or with which it is connected, including those undertaken by its employees, examiners and verifiers.</p> <p>Identifying whether these activities detrimentally impact on its regulated functions or could have a detrimental impact on the standards of, or public confidence in, regulated units and qualifications or the efficiency with which they are provided.</p> <p>Implementing an effective conflicts of interest policy covering for example:</p> <ul style="list-style-type: none"> ■ the circumstances that may give rise to a conflict of interest and the procedures to be followed, ■ measures to be adopted in order to manage conflicts. <p>Taking reasonable steps to address conflicts of interest; for example by:</p> <ul style="list-style-type: none"> ■ implementing procedures to prevent or control the exchange of information between individuals engaged in activities involving risk of a conflict of interest where the exchange of that information may harm the interests of

		<ul style="list-style-type: none"> ■ developing and maintaining clear, robust measures to separate business function where this is appropriate to avoid conflicts of interest arising. <p>We will issue further guidance on how we will use our power to keep connected activities under review.</p>
A5	Identify and manage risks that could have an impact on its regulated functions and have contingency plans in place to maintain business continuity and be prepared to share with the regulators, to deal with unexpected or unplanned events.	<p>Having contingency plans in place, including for systems failures and breaches of security.</p> <p>Prioritising the secure assessment and certification of its registered learners.</p>
A6	Manage, monitor and correct any incidents, including outside of the UK, that could bring regulated qualifications and units into disrepute or otherwise undermine the standards of, or public confidence in, regulated qualifications and units.	Monitoring the delivery of relevant qualifications it provides outside of the UK to ensure it does not undermine regulated qualifications and units.
A7	Check that none of its activities or those with which it is associated have a negative impact on the standards of, or	Avoiding misleading marketing or other materials that suggest unregulated qualifications are regulated.

	public confidence in, its regulated qualifications.	
A8	Take all reasonable steps to protect its financial viability and submit to the regulators an annual statement from its directors or trustees confirming its financial viability together with supporting financial statements.	<p>Having demonstrable systems of financial control and monitoring in place.</p> <p>Undertaking ongoing self-evaluation of financial viability and reporting this to the regulators.</p> <p>Submitting an annual directors' statement and supporting financial statements that provide sufficient information to enable regulators to assess financial viability.</p>
A9	<p>Cooperate with the regulators as required, and alert them to any incidents or issues of which they would reasonably expect to be aware, including:</p> <ul style="list-style-type: none"> ■ any significant changes in its governance, financial, legal or business status, ■ any significant changes to its cost drivers where these are likely to result in substantial upward pressures on fees or the efficiency with which the organisation can operate, ■ any activities undertaken by the organisation connected with the provision of regulated qualifications. 	<p>Participating in comparability and monitoring activities and other activities deemed necessary by the regulators.</p> <p>Alerting the regulators to matters in relation to civil or criminal law that may impact on its regulated functions.</p> <p>Notifying the regulators if for any reason within or outside its control it is incurring significant increases in costs that it anticipates will result in fees increasing significantly more than the rate of inflation.</p> <p>Alerting the regulators to incidents, breaches or malpractice that could impact on the integrity of an award.</p> <p>Alerting the regulators to difficulties with meeting published</p>

	<ul style="list-style-type: none"> ■ any failures in delivery on awarding qualifications. 	<p>timetables for the issue of results/awards.</p> <p>Alerting the regulators to loss of assessment materials.</p> <p>Notifying the regulators of any other information or incidents that might impact on standards or efficiency.</p>
A10	Take such action as the regulators direct to secure standards or protect learners.	No guidance required.
A11	Provide the regulators with access to all premises from which it operates.	No guidance required.
A12	<p>Take steps to prevent and minimise the impact of malpractice and maladministration including by:</p> <ul style="list-style-type: none"> ■ using documented procedures to investigate suspected malpractice and maladministration, ■ promptly reporting to the regulators any confirmed incidents of malpractice or maladministration that might invalidate an award or damage public confidence, ■ taking reasonable steps to maintain the integrity of its 	<p>Operating clear published processes and procedures for investigating suspected malpractice and maladministration and producing rules and/or guidance to centres.</p> <p>Monitoring centres' procedures for dealing with malpractice and maladministration.</p> <p>Monitoring for any breach of security of examination papers or regulated qualification or unit certificates, or significant loss or breach of data.</p> <p>Securing cooperation with parties being investigated</p>

	<p>qualifications and units.</p>	<p>Securing centre access for the awarding organisation and the qualifications regulators as necessary,</p> <p>Ensuring corrective action is taken in a timely manner,</p> <p>Undertaking ongoing monitoring for confirmed incidents of malpractice and maladministration to check appropriate action is undertaken,</p> <p>Reviewing processes and procedures to prevent further incidents.</p>
A13	<p>Make available to the regulators, in a format and at such frequency as the regulators may determine, information as specified from time to time including information on qualifications registered and awarded, fees, other charges, revenues and costs,</p>	<p>Providing the regulators with timely and accurate information, materials, raw data and reports, in particular in relation to any investigations.</p>
A14	<p>Make available to the regulators the information they require to enable them to fulfil their regulatory role.</p>	<p>Providing the regulators with timely and accurate information, materials, raw data and reports in particular in relation to any investigations.</p> <p>Responding in a full, open and timely way to requests for information from the regulators.</p>

Requirements for units and qualifications		
Headline condition: An awarding organisation must :		
B:	Design, develop and award its qualifications in accordance with relevant regulatory requirements	
Detailed conditions. An awarding organisation must :		Guidance. Behaviours that would provide evidence that an awarding organisation is meeting this condition include:
B1	Make sure its qualifications and units meet any published regulatory requirements including relevant criteria, whether or not an accreditation requirement applies.	Building into its design procedures checks against the relevant regulatory criteria. Ensuring those designing qualifications and units have the relevant expertise and are fully familiar with the relevant regulatory criteria.
B2	Make sure its qualifications and units meet the requirements of the qualifications and/or credit framework to which they are referenced.	Building into its design requirements checks against the appropriate framework requirements. Ensuring those designing qualifications and units have the relevant expertise and are fully familiar with appropriate framework requirements.
B3	Make sure any units or rules of combination developed by a body other than itself that it uses in its own awards meet the relevant regulatory requirements.	Interrogating the regulators' registers and records of regulated units and qualifications.

B4	Submit accurate and timely information to allow for the award of a composite qualification.	<p>Reviewing and meeting any requirements for submission including information technology and other systems.</p> <p>Reviewing internal processes and timings to enable timely submission.</p> <p>Reviewing and implementing any upfront data protection considerations.</p>
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Clarity of learning outcomes		
Headline condition. An awarding organisation must :		
C	Be clear about the learning outcomes of each of its units and qualifications and ensure its certificates give a clear indication of learners' attainments	
Detailed conditions. An awarding organisation must :		Guidance. Behaviours that would provide evidence that an awarding organisation is meeting this condition include:
C1	Set out and publish for each unit and qualification the required knowledge, skills, understanding, learning outcomes and assessment criteria.	Reviewing requirements in relevant qualification and subject criteria.
C2	Document how assessment outcomes are determined and the criteria against which learners' performance will be differentiated to ensure standards are secured, including between centres and, where appropriate, over time.	Documenting and following criteria on any performance boundaries ¹² .

¹² Specific criteria will be set for some qualifications.

C3	<p>Comply with relevant regulatory requirements on titling and make sure its qualification titles:</p> <ul style="list-style-type: none"> ■ are clear, meaningful, consistently used and accurately reflect the learning outcomes, ■ include the level of the qualification. 	No guidance required.
C4	<p>With the exception of foreign language units or qualifications, or units or qualifications designed for the workplace, only provide units, qualifications and assessments that are:</p> <ul style="list-style-type: none"> ■ in English in England, ■ in Welsh or English, or in Welsh and English, in Wales, ■ in English, or English and Irish in Northern Ireland¹³. 	No guidance required.

¹³ In Scotland SQA is undertaking an equality impact assessment. The language requirements that will apply to qualifications in Scotland will be informed by this assessment.

C5	For units or qualifications designed for the workplace provide assessments in English, Welsh or Irish and only offer assessments in other languages where proficiency in English, Welsh or Irish is not required for learners properly to carry out the role that is supported by the qualification.	Confirming with representatives from the relevant employment sector that lack of proficiency in English, Welsh or Irish will not prevent a qualification holder from properly carrying out the role for which the qualification is designed.
C6	Follow the regulators' requirements for the design of certificates.	No guidance required.
C7	Issue certificates only on the basis of a valid claim and within clearly communicated timescales.	<p>Documenting and communicating a timescale and procedure for issuing certificates.</p> <p>Validating or verifying claims for certificates.</p> <p>Allowing sufficient time for appeals and so on prior to issuing certificates.</p>
C8	Take reasonable steps in the design and issue of certificates to protect against their fraudulent use or issue, by authenticating claims to a replacement certificate and by labelling replacements as such .	<p>Issuing any paper-based certificates with a watermark, hologram or other similar security feature.</p> <p>Documenting and following procedures for issuing certificates.</p> <p>Validating requests made by centres and candidates.</p>

		<p>Uniquely identifying certificates.</p> <p>Documenting and following procedures for issuing replacement certificates.</p> <p>Clearly marking replacement certificates.</p>
C9	<p>Include on the certificate of a qualification for the workplace the language of assessment, where the language used was not English, Welsh or Irish¹⁴ .</p>	<p>No guidance required.</p>

¹⁴ Not required for qualifications regulated by the SQA

Assessment techniques		
Headline condition. An awarding organisation must :		
D	Use appropriate assessment techniques	
Detailed conditions. An awarding organisation must :		Guidance. Behaviours that would provide evidence that an awarding organisation is meeting this condition include:
D1	<p>Provide assessments that secure validity, reliability, comparability, manageability and minimise bias by:</p> <ul style="list-style-type: none"> ■ producing evidence and results/outcomes that allow candidates, in different centres and at different times, to demonstrate whether or not they have met the required standards across the qualification, ■ allowing learners to generate evidence that is relevant and can be authenticated, ■ distinguishing effectively across any range of attainments tested by the assessment, ■ permitting accurate judgements to be made on the learner's performance, ■ defining, secure and monitor any centre inputs 	<p>Ensuring the requirements of relevant codes of practices are met.</p> <p>Ensuring the requirements of relevant subject and qualification criteria are met.</p>

	<p>into assessment arrangements,</p> <ul style="list-style-type: none">■ using appropriate standardisation to make sure internal and external assessment decisions are reliable and meet the defined standards,■ using clear procedures, including moderation and/or verification, to assure the quality of assessment processes,■ using language and terminology appropriate for the assessment.	
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Safeguarding standards	
Headline condition. An awarding organisation must :	
E	Secure the standards of its units and qualifications
Detailed conditions. An awarding organisation must :	Guidance. Behaviours that would provide evidence that an awarding organisation is meeting this condition include:
<p>E1</p> <p>Use written agreements to define and record the obligations on centres involved with the delivery and award of regulated qualifications to support the assessment and award of qualifications and secure the outcomes needed to allow it and the regulators to fulfil their functions.</p> <p>Define, secure and monitor any centre inputs into assessment arrangements.</p> <p>Use clear procedures, including moderation and/or verification to assure the quality of assessment processes.</p> <p>Use appropriate standardisation to make sure internal and external assessment decisions are reliable and meet the defined standards.</p> <p>Monitor, including over time, the demands placed on</p>	<p>Developing templates for centre agreements.</p> <p>Setting out for centres the quality assurance procedures and technological, financial and human resources they need to deliver and assess the qualifications and/or units offered.</p> <p>Making use of available evidence to inform any approval processes.</p> <p>Identifying centre staff responsibilities and staff development.</p> <p>Collecting and collating centre data to support awarding organisations and regulators' functions.</p> <p>Securing access for the awarding organisation and the qualifications regulators where this is necessary for their functions.</p> <p>Ensuring the requirements of any relevant codes of practice are met.</p>

	<p>learners and the attainments required of learners for the award of comparable qualifications.</p>	<p>Ensuring the requirements of relevant subject and qualifications criteria are met.</p> <p>Comparing assessments to ensure consistent outcomes.</p> <p>Comparing past evidence including percentage outcomes.</p> <p>Reviewing against any existing criteria or performance or grade descriptors.</p> <p>Reviewing and comparing against congruous subjects.</p>
E2	<p>Retain sufficient evidence of the outcomes of its monitoring to inform decisions about standard setting, awarding/certification outcomes, standardisation, assessments, enquiries and appeals so that a consistent level of attainment is required for comparable qualifications.</p>	<p>Where it works with centres, having in place arrangements to secure and retain the necessary evidence.</p> <p>Using statistical data to assist in setting and maintaining standards.</p> <p>Making evidence available to required parties to support any enquiries and appeals process.</p> <p>Having auditable records of decisions on awarding outcomes, standard setting and other decisions.</p> <p>Maintaining relevant archives including of sample candidate work and key grade boundaries where assessment is marked.</p>
E3	<p>Make sure that the outcomes of assessment, moderation and/or verification are comparable</p>	<p>Ensuring those involved with writing, assessing, verifying and/or moderating assessments are able to write, assess, verify and/or</p>

	<p>whichever language is used in the qualifications, units or assessments.</p>	<p>moderate in the language used for the assessment.</p> <p>Comparing assessments in different languages to satisfy itself of equivalence.</p>
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Efficiency and value for money		
Headline condition. An awarding organisation must :		
F	Provide its units and qualifications efficiently and ensure that its fees and charges are value for money	
Detailed conditions. An awarding organisation must :		Guidance. Behaviours that would provide evidence that an awarding organisation is meeting this condition include:
F1	Offer regulated units and qualifications that represent value for money.	<p>Offering units and qualifications that are fit for purpose and of the sufficient quality and standard.</p> <p>Providing units and qualifications efficiently.</p> <p>Having fee levels for its units, qualifications and associated services that are appropriately cost reflective.</p> <p>Having a clear rationale for changes in its provision of support services over time; and where this involves ceasing to provide certain services, considering the impact on its own costs and whether it could unfairly add to any costs incurred by centres in procuring its units, qualifications and associated services.</p>
F2	Have a clear rationale for offering for sale combinations or packages of products and/or services and check that such combinations/packages do not unnecessarily or unfairly restrict purchasers' freedom	<p>Ensuring that value for money and learner benefits of combinations or packages offered are transparent to purchasers.</p> <p>Providing transparency to purchasers, informing them where they can purchase services separately and the fees that will be incurred</p>

	of choice.	<p>for individual services where relevant.</p> <p>Only offering for sale packages or combinations that are also in the interests of the purchaser.</p>
F3	Be able to demonstrate a fair invoicing policy for purchasers, with relevant payment terms appropriate to the products and services supplied.	<p>Issuing clear and transparent invoices showing the products and services purchased, the fees incurred and any refunds.</p> <p>Offering fair and timely payment terms that do not impose an unnecessary financial burden on centres.</p> <p>Having a clear process for confirming payment from purchasers.</p>
F4	Conduct all marketing, selling and promotion of its qualifications and services in such a way that no misleading information is disseminated to purchasers.	Adopting marketing, selling and promotion activities that accurately inform purchasers, learners and, as necessary, end users about the purpose and content of its qualifications, opportunities for progression, services offered and fees.
F5	<p>Make available to purchasers and end users, in an open and transparent manner, information on fees for its regulated units, qualifications and associated services in particular by:</p> <ul style="list-style-type: none"> ■ avoiding excessively complex pricing structures, ■ hyperlinking comprehensive fees list(s) to the Register of Regulated Qualifications, ■ using best endeavours to publish indicative fees and charges in advance to assist centres' 	<p>Publishing information on fees, other charges and payment dates for its products and services in a format that meets the needs of, and is accessible to, purchasers.</p> <p>Providing a clear set of terms and conditions for purchases.</p> <p>Providing transparency for purchasers on the cost or refund implications of their changing requirements for products and services.</p> <p>Compliance with guidance published by Ofqual on a suitable period</p>

	purchasing and budgeting processes.	for advance publication of indicative fees.
F6	Not place unnecessary requirements on centres and other parties involved in the provision, delivery or award of regulated qualifications and units.	<p>Actively reviewing and being able to justify any requirements it places on centres and others involved in the provision, delivery or award of regulated qualifications and units; for example by:</p> <ul style="list-style-type: none"> ■ seeking feedback on the perceived benefit and effectiveness of its requirements, ■ identifying and removing any unnecessary requirements.

Protecting learners' interests		
Headline condition. An awarding organisation must :		
G	Protect the reasonable interests of learners	
Detailed conditions. An awarding organisation must :		Guidance. Behaviours that would provide evidence that an awarding organisation is meeting this condition include:
G1	Take all reasonable steps to act in a way that is fair and equitable for the diverse needs of its learners and meet applicable equality legislation.	<p>Considering at governance level how its policies and practices that impact on its regulated functions, including on qualification development, assessment and awarding, promote equality and inclusion.</p> <p>Evaluating in its quality assurance and quality improvement procedures how its policies and practices promote equality and inclusion.</p>
G2	Collect and analyse sufficient data to enable it to monitor whether any features of its regulated qualifications or units disadvantage particular groups of learners.	<p>Collecting qualitative and/or quantitative data on candidates' characteristics¹⁵ where it is reasonable, proportionate and practical to do so.</p> <p>Using the data to evaluate whether any features of its qualifications</p>

¹⁵ These characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, political opinion, marital status or those with dependents.

		<p>or units unjustifiably disadvantage candidates who share particular protected characteristics.</p> <p>Taking action, in consultation with relevant groups, to understand the reasons for, and address, any unjustifiable disadvantages and better promote equality.</p>
G3	<p>Take reasonable steps to identify and preclude any unjustifiable barriers in its qualifications and units that might prevent learners who share particular characteristics from demonstrating their knowledge, understanding or skills.</p>	<p>Systematically identifying and addressing any unjustifiable barriers as it designs units and qualifications, consulting with appropriate learners and their representatives.</p> <p>Ensuring those designing qualifications and units are familiar with relevant legislation.</p> <p>Undertaking reviews into accessibility.</p> <p>Routinely using the guidance <i>Fair Access by Design</i>.</p>
G4	<p>Justify any barriers to units or qualifications that remain.</p>	<p>Reviewing any barriers, in consultation with appropriate representatives of affected learners and the sector for which the qualification is designed.</p>
G5	<p>Make arrangements for reasonable adjustments for disabled learners in accordance with legislation.</p>	<p>Publishing its arrangements for making reasonable adjustments.</p> <p>Ensuring staff involved in its reasonable adjustments arrangements are aware of, and comply with, relevant legislation.</p> <p>Following its policies and procedures when responding to requests</p>

		<p>for reasonable adjustments.</p> <p>Making reasonable adjustments that reflect the needs and usual methods of working of the individual learners.</p>
G6	<p>Publish its policies and implement arrangements to give special consideration to candidates who experience temporary illness, injury or indisposition at the time of the assessment, in line with relevant regulatory requirements.</p>	<p>Having a clear rationale to explain whether or not special consideration is permitted</p> <p>Implementing and monitoring any arrangements.</p> <p>For relevant qualifications, specifying the minimum evidence required to make aegrotat awards and maintain the integrity of the qualification.</p>
G7	<p>Publish and follow clear, fair and equitable procedures and timelines for dealing with complaints, enquiries and appeals.</p>	<p>Publishing in an accessible way its procedures, including timelines, for dealing with complaints, enquiries and appeals.</p> <p>Allowing access to marked scripts where appropriate.</p> <p>Allowing for a review of its procedures and application of those procedures as part of its complaints and appeals process.</p> <p>Communicating clearly and in a timely manner with complainants and appellants.</p> <p>Monitoring, evaluating and, where appropriate, enhancing its procedures.</p>
G8	<p>Collate, evaluate and provide to the regulators on</p>	<p>Having measures in place to collect and retain data on the number, nature and outcome of complaints, including relevant data from</p>

	<p>request information and data on:</p> <ul style="list-style-type: none"> ■ the nature and number of complaints it has received and to which it has responded, ■ the number of enquiries about results it has received and to which it has responded, ■ the nature and number of appeals it has received and considered and their outcomes, ■ the number and nature of alleged and confirmed incidents of malpractice and maladministration. 	<p>centres.</p> <p>Collecting data in a format that allows trends to be identified.</p> <p>Using the data in its quality assurance activities.</p> <p>Making data available to the regulators in a timely manner.</p>
G9	<p>Take appropriate corrective action and/or preventative action for all learners affected when a complaint or appeal is upheld.</p>	<p>No guidance required.</p>
G10	<p>Involve in its appeals process one or more people who are verifiably independent of the awarding organisation and who have no interest in the outcome of the appeal.</p>	<p>Providing in its appeals arrangements for decisions to be taken by persons who have not contributed to the original decision or have no close interest in the outcome of the appeal decision.</p> <p>Keeping records that are auditable, accurate and secure.</p>
G11	<p>Cooperate with, and meet the requirements of, any external complaints and appeals arrangements put in</p>	<p>Submitting information to an external complaints and appeals</p>

	place by the regulators.	<p>process as required.</p> <p>Implementing recommendations in relation to complaints and appeal arrangements.</p> <p>Clearly communicating to complainants and appellants the circumstances in which a complaint or appeal may be referred to an external option.</p>
G12	Give reasonable notice to the regulators of its intention to surrender its recognition in respect of specific qualifications or descriptions of qualifications and of its intention to withdraw any qualifications.	<p>Evaluating the impact on learners of any withdrawal.</p> <p>Giving sufficient notice for the regulators to intervene, if necessary, to ensure arrangements are in place to safeguard learners' interests.</p>
G13	Take all reasonable steps to protect the interests of learners and provide information about the protections put in place when a qualification is withdrawn or recognition surrendered.	<p>Giving sufficient notice to centres regarding the closure of registrations.</p> <p>Making arrangements to transfer affected learners to other appropriate awarding organisations.</p> <p>Informing centres and candidates of required completion dates.</p> <p>Liaising and working with the regulators to seek and establish alternative arrangements if necessary.</p> <p>Communicating decisions to centres and learners, clearly and promptly.</p>

		Fully supporting regulated units and qualifications until they are withdrawn adhering to agreed timescales.
G14	Agree a withdrawal plan with the regulators.	<p>Following directions as instructed by the regulators.</p> <p>Communicating decisions to centres and learners clearly and promptly.</p> <p>Fully supporting regulated units and qualifications until end dates.</p> <p>Adhering to agreed timescales.</p>

Address the needs of those who use qualifications		
Headline condition. An awarding organisation must :		
H	Develop and report on qualifications to meet the needs of the users	
Detailed conditions. An awarding organisation must :		Guidance. Behaviours that would provide evidence that an awarding organisation is meeting this condition include:
H1	Develop units and qualifications that are fit for purpose and record the rationale and justification for their development.	<p>Researching and identifying demand for any proposed qualifications and units.</p> <p>Identifying existing comparable qualifications to check proposed units and qualifications bring additional benefits to centres, learners and other users.</p>
H2	Demonstrate that relevant employment or education sectors support its units and qualifications and confirm they provide progression opportunities for learners.	<p>Consulting with, and where appropriate having support from, employers, employer representatives, learners and centres to identify potential learning outcomes and progression routes.</p> <p>Consulting with, and where appropriate having support from, further and higher education to identify potential progression routes.</p>
H3	Provide accurate and timely information about its regulated qualifications and units in response to enquiries from learners, centres, employers, higher education and institutions and other users	

	of qualifications.	
H4	Support informed choice by publishing in an accessible format clear, accurate and timely information on its regulated units and qualifications and its associated services.	<p>Publishing information on assessment procedures and dates and unit and qualification outcomes.</p> <p>Publishing and adhering to comprehensive customer service statements including its policy on communicating with centres in Welsh, where appropriate.</p> <p>Publishing points of contact.</p> <p>Publishing information on products and services.</p>

Annex 3: Equality impact assessment on our regulatory approach

This annex is designed to facilitate a focused equality impact consultation on our proposed approach to regulation. In carrying out this analysis of equality impact we are considering the potential impact against the equality strands which apply to our work in England and Northern Ireland. We recognise that the equality grounds which currently apply in England will grow from race, disability and gender, to also include age, gender identity, religion or belief, and sexual orientation.

There remain three specific groups identified in Northern Ireland equalities legislation which are not cited in the Equalities Act 2010, namely marital status, caring status and political opinion, which are also included in this analysis. The purpose of the exercise is common for all equality grounds: to assess if there is evidence of adverse impact by our proposed regulatory approach on any equality groups, or if there are any ways in which we might better promote equality.

Promotion of equality of opportunity

The statutory equality duties require designated bodies to consider how policies might adversely impact on different equality groups and how they might be adapted to better promote equality of opportunity for learners from the specific equality groups. The terminology of promoting equality is used generically throughout this document to specifically include:

- promoting equality of opportunity,
- promoting good community relations,
- eliminating discrimination,
- eliminating harassment,
- promoting positive attitudes towards disabled people,
- encouraging participation among disabled people,
- considering favourable treatment towards disabled people,
- protecting and promoting human rights.

Aim of policy on regulation

The main purpose of this policy is to determine our approach to regulation. A key principle of our regulatory approach is that each awarding organisation we regulate is accountable for the quality and standards of its qualifications, and for its efficiency. We will verify that each awarding organisation exercises its responsibilities fully and

properly and intervene when we find weaknesses in its approach. To make sure that standards are maintained and that learners are treated fairly, we will continue to scrutinise key qualifications. We will seek to abide by the five principles of good regulation: proportionality, targeting, accountability, transparency and consistency. We will also aim to use our powers effectively and efficiently so that public confidence in regulated qualifications, examinations and assessments is secured.

The proposed approach will determine how Ofqual will secure standards, how it will ensure efficiency and how it will secure fairness for learners.

Prior consultation

Our regulatory policies and approach have been considered for a full equality impact assessment, since we consider that this approach has the potential to have a significant impact on a number of equality groups. Our previous consultation in December 2009, *Regulating for Confidence in Standards*¹⁶, outlined our proposed ways of working. A number of equality groups responded to that initial consultation – in particular those representing disabled people - and their suggestions have influenced our revised proposals as set out in this document. The key suggestions for change, along with our response to them, are detailed in Annex 4. We would welcome your comments on these to ensure our policy best promotes opportunity for all learners.

Consideration of evidence and assessment of impact of the policy on equality groups

The Equality & Human Rights Commission (EHRC) recently published a report *How fair is Britain?*¹⁷ that identified education and inclusion as one of five critical gateways to opportunity.

It contains a plethora of high quality data on success rates in education and attainment:

- Girls achieve better results than boys at age five in England, and at age 16 in England, Scotland and Wales, and in every ethnic group.
- In 2009 female university students outnumbered men by a ratio of roughly 4:3. Women are also more likely than men to get first-class or upper second-class degrees.

¹⁶ <http://comment.ofqual.gov.uk/regulating-for-confidence-in-standards/>

¹⁷ www.equalityhumanrights.com/key-projects/triennial-review/

- Girls and women tend to be concentrated in some courses which tend to lead to relatively poorly-rewarded jobs.
- 44 per cent of black, Indian and Pakistani students are at 'new' universities compared to 35 per cent of others. Eight per cent of black students are at Russell Group institutions, compared to 24 per cent of white students.
- 17 per cent of children with special educational needs get five good GCSEs including English and Maths, compared to 61 per cent of children without identified special needs.
- At age five, 35 per cent of pupils known to be eligible for free school meals achieved a good level of development, compared to 55 per cent of pupils not eligible for free school meals.
- Apart from Gypsy and Traveller children, the performance of white British boys on free school meals at GCSE is the lowest of any group defined by gender, free school meals status and ethnic group. By contrast the highest performing group at 16 are Chinese girls, with those on free school meals outranking every other group except better-off Chinese girls.
- The Commission also recognises the absence of significant data for some equality groups from which to assess fairness or inequality.

Screening of our regulatory policy suggests that one of the groups most likely to be affected by the policy are disabled learners as evidenced by the strong response to the previous consultation. Screening, as with the EHRC statistics, also suggested that groups that were likely to be most significantly affected might include people of different gender, race or ethnicity, or age.

It is recognised that it may be difficult to quantify differential impact on grounds of gender reassignment, political opinion, marital status and sexual orientation, because of perceived invasion of privacy issues and the reluctance of individuals to disclose such information. In improving the data base of impact or inequality it is acknowledged that 'the direct question approach' to monitoring is unlikely to get meaningful results in some of these categories. A qualitative approach is likely to be more meaningful than a quantitative approach. This is evidenced strongly in the comments from disabled groups to our earlier consultation where comments tend to articulate disadvantage rather than give it a statistical size.

The essence of an equality impact assessment on a regulatory policy is not about the end figures of differentials between, for example, male and female performance in qualifications. It is more about ensuring that those who are regulated have in place the right data gathering mechanisms, standards for accountability, communications with the range of learners and that they are monitored regularly. It is about ensuring

that an effective means of regulating performance on equality is in place - what do we, as the regulator, need to do to ensure that those we regulate have in place the means for identifying and addressing areas of adverse impact on equality groups. The impact of this policy is therefore which regulatory approach will have the best equality impact on the behaviour of awarding organisations.

It is important to note that other principles of regulation may sometimes be in tension with the duty to have due regard for the need to promote equality, for example proportionality and efficiency and standards set must reflect this.

As a regulator we recognise that we have an important role to play, with many bodies involved in education and learning, in ensuring standards of qualifications are delivered and maintained in a fair way; removing any identifiable barriers to progress for any group along this gateway to opportunity. The following elements of the proposed approach aim to address this key objective.

Measures proposed to better promote equality

Respondents to *Regulating for Confidence in Standards* expressed the strong view that awarding organisations should be required to have diversity and equality embedded in all that they do. We have sought to achieve this by focusing on developing criteria and conditions that have these requirements built in rather than rely on a stand-alone set of requirements in relation to diversity and equality.

The regulatory relationship

The conditions of recognition that we are placing on awarding organisations require them to have in place appropriate governance, management quality assurance arrangements and resources. These requirements now specifically include the naming of a senior officer who is answerable to the regulators for meeting the awarding organisation's duties under equality legislation. The awarding organisation's accountable officer will answer for the way it designs, delivers, assesses and awards units and qualifications through its regulated functions. This is an important commitment emerging from *Regulating for Confidence in Standards* which should ensure an appropriate profile and a commitment at senior level to embedding equality throughout an awarding organisation.

Question

R. Do you agree that the requirement on awarding organisations to appoint a senior officer with, amongst other things, responsibility to the regulator for securing equality and inclusion is appropriate?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Please identify any suggested change you would recommend to this proposal on how better to promote equality for different learners.

Securing fairness for learners

A key objective of the approach to regulation which directly relates to how we will better promote equality – namely ‘securing fairness for learners’ – is cited in the consultation *From Transition to Transformation*¹⁸.

It contains 13 specific conditions required of awarding organisations to make the qualification system fair to learners. These conditions will include requirements on awarding organisations to:

1. Take all reasonable steps to act in a way that is fair and equitable for the diverse needs of its learners and meet applicable equality legislation,

¹⁸ <http://comment.ofqual.gov.uk/from-transition-to-transformation/>

2. Collect and analyse sufficient data to enable it to monitor whether any features of its regulated qualifications or units disadvantage particular groups of learners,
3. Take reasonable steps to identify and preclude any unjustifiable barriers in its qualifications and units that might prevent learners who share particular characteristics from demonstrating their knowledge, understanding or skills,
4. Justify any barriers to units or qualifications that remain,
5. Make arrangements for reasonable adjustments for disabled learners in accordance with legislation,
6. Publish its policies and implement arrangements to give special consideration to candidates who experience temporary illness, injury or indisposition at the time of the assessment, in line relevant with regulatory requirements,
7. Publish and follow clear, fair and equitable procedures and timelines for dealing with complaints, enquiries and appeals,
8. Collate, evaluate and provide to the regulators on request information and data on:
 - the nature and number of complaints it has received and to which it has responded,
 - the number of any enquiries about results it has received and to which it has responded,
 - the nature and number of any appeals it has received and considered and their outcomes,
 - the number and nature of alleged and confirmed incidents of malpractice and maladministration,
9. Take appropriate corrective and/or preventative action for all learners affected when a complaint or appeal is upheld,
10. Involve in its appeals process one or more people who are verifiably independent of the awarding organisation and who have no interest in the outcome of the appeal,
11. Co-operate with, and meet any requirements of, any external complaints and appeals arrangements put in place by the regulators,

12. Give reasonable notice to the regulators of its intention to surrender its recognition in respect of specific qualifications or descriptions of qualifications and of its intention to withdraw any qualifications,
13. Take all reasonable steps to protect the interests of learners and provide information about the protections put in place when a qualification is withdrawn or recognition surrendered and agree a withdrawal plan with the regulators.

Questions

S. Do you agree that the 13 specific conditions directed at ‘securing fairness for learners’ to be reasonable requirements to place on awarding organisations which will facilitate the promotion of equality for all learners?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

T. Do you agree that it is reasonable at this stage not to specify which particular equality groups should be identified for the collection of data?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Please identify any suggestions for change, stating how they might better promote equality for different learners.

Obligations on each awarding organisation to define clearly the knowledge, skills and understanding required (languages)

A further condition is placed on each awarding organisation to ‘provide assessments in English, Welsh or Irish for units or qualifications designed for the workplace and only offer assessments in other languages where proficiency in English, Welsh or Irish is not required for learners to properly carry out the role that is supported by the qualification.’ For these purposes, British Sign Language (BSL) and Irish Sign Language (ISL) can be used as a reasonable adjustment where appropriate.

Question

U. Do you agree that the language condition is a reasonable requirement to place on awarding organisations which will facilitate the promotion of equality for all learners?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Please identify any suggestions for change, stating how they might better promote equality for different learners.

Recognition requirements

Recognition conditions will be the main focus of our regulatory requirements. The premise of the approach is to move to a stage where awarding organisations accept responsibility for the quality and standards of their qualifications. It is specifically stated that an awarding organisation will need to review, for example, whether any of the features of its qualifications disadvantage particular learners. The final suite of general recognition conditions to which all awarding organisations will be subject will be developed following this consultation.

Annex 1 of *From Transition to Transformation* has identified draft recognition criteria, with indicators that an organisation is meeting them and typical evidence of this. There are seven recognition criteria, which might be categorised as:

- institutional adequacy,
- resources,
- operational approach to qualifications development, assessment and awarding,
- quality assurance,
- financial viability,
- efficiency and value for money,
- capacity.

The third recognition criterion has a direct link to equality, 'The organisation's operational approach to qualifications development, assessment and awarding will ensure that qualifications and assessments are valid, reliable, manageable and secure, **reflect the needs of diverse learners**, and that standards are maintained between comparable qualifications including over time.'

The indicators and typical evidence cited that an organisation meets the "diverse learners' needs" criterion are:

- qualification development is informed by an understanding of good practice and the needs of learners,
- surveys of learners, employees and higher education (if available),
- impact assessments used to identify any barriers to access to the qualification,
- policies and practices on considering requests for reasonable adjustments.

Question

V. Do you agree that the third recognition criterion (Annex 1) is a reasonable requirement to place on awarding organisations which will facilitate the promotion of equality for all learners?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

W. Do you agree that the 'indicators' or 'typical evidence' of how the requirements may be met are appropriate?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Please identify any suggestions for change, stating how they might better promote equality for different learners.

Through these proposed measures and our general approach to regulation we aim to ensure that equality considerations are embedded in the work of awarding organisations and contribute to the aim of equality of opportunity and fairness for all learners.

Conclusion

This equality impact assessment report focuses on those areas in this consultation where we consider there are most likely to be issues of an equality nature. If you wish to comment on any other equality issues raised in the main document and not discussed here, please feel free to include any such comments.

We will take account of all responses to this impact assessment as part of our overall consultation and finalise our regulatory approach accordingly. In so doing we will draw on our obligations to have due regard to the need to promote equality of opportunity in conjunction with the other principles of proportionality, targeting, accountability, transparency, consistency and securing public confidence.

We will publish this document widely in an accessible way, and will monitor the impact of the adopted regulatory approach on equality groups in the future. This approach will be reviewed as part of the organisation's annual and corporate reviews and will be formally reviewed after three years of its operation, at which point equality considerations will also be fully considered.

We believe that the proposals outlined in this consultation document have been refined to ensure an inclusive, embedded approach to promoting equality for all learners, but we are committed to revising its approach as necessary where it is reasonable and practicable to do so.

Question

U. If you would like to raise any other issues of an equality / good relations nature relating to our approach to regulation, but not highlighted in this equality impact assessment document, please comment here.

Annex 4: Summary of responses to Regulating for Confidence in Standards

This is a summary of responses from equality groups to our consultation, *Regulating for Confidence in Standards*. These were restricted to those representing the interests of disabled learners.

The following groups representing the interests of disabled learners responded to our consultation:

- Skill: National Bureau for Students with Disabilities
- Royal National Institute of Blind People (RNIB)
- The British Association of teachers of the Deaf (BATOD)
- Disability Action

The responses from all organisations were very similar in most respects and focus on embedding inclusive design into qualifications.

All organisations suggested that our measurement of performance should include details of success rates for disabled learners and that this should be published in the annual report to Parliament as well as issues related to inclusive design of qualifications and access to examinations and other assessments.

Our response

Our proposed general conditions require all recognised awarding organisations to monitor and analyse whether any features of its regulated qualifications or units disadvantage particular groups of learners including disabled users.

One organisation suggested guidance on how to do this should be developed with the Qualifications and Curriculum Development Agency and awarding organisations.

The 'assessment standards' objective should make explicit reference to the need for assessments to be designed to be flexible in order to incorporate reasonable adjustments and access arrangements.

Our response

Our proposed general conditions require all recognised awarding organisations, at assessment design stage 'identify and preclude any unjustifiable barriers in the assessment of its qualifications and units that might prevent learners who share particular characteristics from demonstrating their knowledge or skills.' This includes disabled learners.

It was agreed that in order to meet the public confidence objective it will be necessary to educate the general public so that they understand the range of skills and working methods that different learners may use to achieve qualifications and that reasonable adjustments and access arrangements do not devalue their qualifications.

All respondents felt that in order to promote equality and eliminate discrimination awarding organisations should not be able to develop new qualifications without explicit attention to the needs of disabled learners and that any new qualifications should be subject to equality impact assessments. We should ensure that all awarding organisations embed principles of inclusive design and access in their qualifications, liaising closely with disability groups and professional bodies with specific expertise related to access and disability.

Our response

As part of our general conditions on developing inclusive qualifications and monitoring their success, our guidance, which awarding organisations must pay regard to, notes that behaviours that demonstrate an awarding organisation is meeting the conditions includes consulting and surveying relevant groups.

Regarding our proposed approach to securing the standards of regulated qualifications it is recommended that we work with the Equality and Human Rights Commission to communicate to the public how reasonable adjustments maintain the integrity of qualifications.

With regard to our proposed approach to recognition the consensus is that awarding organisations that do not meet the standard on equality and diversity should not receive recognition and this expectation should be explicitly reflected in the recognition criteria.

The draft conditions should include an additional condition that awarding organisations must work to eliminate discrimination and advance equality of opportunity, and have a specific senior member of the organisation who is the point of contact and accountable for this. Awarding organisations should also demonstrate that they have the knowledge, expertise and resources to develop, assess and monitor inclusive and flexible qualifications.

Our response

Our proposed general conditions require all recognised awarding organisations to name a senior accountable officer, answerable to us for meeting their duties under equality legislation in the way they design, deliver, assess and award units and qualifications. In addition we require awarding organisations to maintain the necessary expertise and resources to carry out their regulated functions and this will include functions in relation to inclusion.

Questions

Conditions on governance, management, quality assurance, resources and co-operation with the regulators

A. Do you agree that these conditions should be placed on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

B. Do you agree that an awarding organisation's governing body should be required each year to confirm whether or not the organisation is complying with the full suite of recognition conditions?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Conditions on compliance with requirements for units and qualifications

C. Do you agree that these conditions should be placed on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Qualifications criteria

D. Do you agree that we should revise the way that qualification criteria are developed and presented?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Qualifications framework

E. Do you agree with our proposal to require all regulated qualifications to be referenced to one qualifications framework within which awarding organisations choosing to offer credit-based qualifications follow specific design rules?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Conditions requiring a clear definition of learning outcomes

F. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Conditions on assessment techniques

G. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Conditions on safeguarding standards

H. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Use of the accreditation requirement

I. Do you agree with the approach we will use to determine which qualifications should be subject to an accreditation requirement?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Conditions to secure fairness for learners

J. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Conditions to address the needs of qualification users

K. Do you agree that we should place these conditions on awarding organisations?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Recognition criteria

L. Do you agree that by applying the recognition criteria we will distinguish between organisations that are fit to be recognised as awarding organisations and those that are not?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
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Comments:

Review of recognition applications

M. Do you agree that peer reviewers should contribute to the scrutiny of evidence submitted in support of a recognition application?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

N. Do you agree that reviewers with relevant knowledge and experiences gained outside of the awarding organisation sector should contribute to the scrutiny of evidence submitted in support of a recognition application?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments.....

Overall conditions or recognition and guidance

O. Do you agree that the general conditions set out a reasonable set of requirements for all awarding organisations to meet?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

P. Do you agree that the supporting guidance, set out in Annex 2, will help an awarding organisation understand the behaviours that would indicate compliance with the conditions?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments.....

Transition to transformation

Q. Do you agree that it is reasonable to allow each awarding organisation a period of 12 months to make sure it is complying fully with the conditions of recognition?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments

Annex 3: Equality impact assessment on our regulatory approach

The regulatory relationship

R. Do you agree that the requirement on awarding organisations to appoint a senior officer with, amongst other things, responsibility to the regulator for securing equality and inclusion is appropriate?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Please identify any suggested change you would recommend to this proposal on how better to promote equality for different learners.

Securing fairness for learners

S. Do you agree that the 13 specific conditions directed at ‘securing fairness for learners’ to be reasonable requirements to place on awarding organisations which will facilitate the promotion of equality for all learners?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

T. Do you agree that it is reasonable at this stage not to specify which particular equality groups should be identified for the collection of data?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Please identify any suggestions for change, stating how they might better promote equality for different learners.

Obligations on each awarding organisation to define clearly the knowledge, skills and understanding required (languages)

U. Do you agree that the language condition is a reasonable requirement to place on awarding organisations which will facilitate the promotion of equality for all learners?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Please identify any suggestions for change, stating how they might better promote equality for different learners.

Recognition requirements

V. Do you agree that the third recognition criterion (Annex 2) is a reasonable requirement to place on awarding organisations which will facilitate the promotion of equality for all learners?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

W. Do you agree that the 'indicators' or 'typical evidence' of how the requirements may be met are appropriate?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Please identify any suggestions for change, stating how they might better promote equality for different learners.

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