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Guidance

# Recognition application: guidance for the Criteria

Updated 12 May 2016

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Unless otherwise stated, words in Title Case are defined in the 'Criteria for Recognition'

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# 1.

## Criterion A: Identity, constitution and governance

### 1.1 Identity and constitution - A.1, A.2 and A.3

In order for us to assess whether you meet Criteria A.1, A.2 and A.3 you will need to provide detail and structure of your organisation. You should explain how the organisation operates or will operate and demonstrate the arrangements in place. We need to know who owns and has a financial interest in your business. If the business is owned by other entities, a diagram detailing the group structure should be provided as part of the business plan. You must ensure you provide the following as a minimum in response to A.2 and A.3:

1. Evidence establishing that you operate from premises within the European Union (EU) or European Free Trade Association (EFTA).
2. A main contact address and landline telephone number within the EU/EFTA.
3. A valid EU/EFTA email address for your organisation.
4. The current legal status of your organisation – for example, registered charity, limited company, society established by Royal Charter.
5. A copy of your constitutional or governance documents – for example, Articles of Association, charter, partnership agreement, or any equivalent constitutional document, unless you are applying as an individual.
6. Evidence of relevant registration held by you with appropriate authorities within the EU/EFTA.

We will complete a due diligence check through an external business information supplier to verify information you have submitted as part of your application to investigate ownership and legal status. You should provide all relevant and appropriate registration numbers, for example Companies

House or the Charities Commission.

Where any of the companies within the group structure are registered abroad, the registration number of the company and the name of the country in which they are registered should also be provided.

## 1.2 Governance – A.4, A.5 and A.6

Your response and supporting information for Criteria A.4, A.5 and A.6 should show how your organisation is or will be organised and governed. Where appropriate, you should also show how the awarding organisation will fit within any holding company and how it relates to parent companies and sister companies.

### A.4 Organisation and governance

You should provide information and supporting evidence on how your current or proposed organisational structure supports the development, delivery and award of qualifications. You may wish to provide information and documentation to assist us to consider the following questions in deciding whether you meet this Criterion:

1. Is there a clear structure explaining how the awarding organisation will function in relation to the development, delivery and awarding of qualifications?
2. Is it clear who is accountable for the quality of the development, delivery and awarding of qualifications?
3. Are reporting lines and structures clear?
4. Are there any potential conflicts of interest in the governance model?
5. Is the responsible officer role sufficiently senior to be accountable for the development, delivery and award of qualifications?
6. Are the roles within the awarding organisation well defined?
7. Do the right roles exist to allow the awarding organisation to develop,

deliver and award qualifications?

## **A.5 Conflicts of Interest**

Your response and supporting information should show how you do or will identify and manage Conflicts of Interest which may arise at individual and organisational level.

Your response should make reference to your policy for how you will identify Conflicts of Interest and the process for how you manage them, including any Conflicts of Interest you have already identified.

The following are examples of activities that may give rise to a Conflict of Interest which needs to be managed by an awarding organisation. This list is not exhaustive:

- publishers acting as awarding organisations
- sector skills councils acting as awarding organisations
- national governing bodies for sports acting as awarding organisations
- certain professional bodies acting as awarding organisations
- training organisations acting as awarding organisations
- authors of examinations who are also Teachers
- authors of examinations who also write text books

You may wish to provide information and documentation to assist us to consider the following questions in deciding whether you meet this Criterion:

1. Have you considered all elements of the business to identify those areas which may give rise to a Conflict of Interest?
2. Does a policy exist which explains how you identify and manage Conflicts of Interests?
3. How do individuals associated with your organisation declare Conflicts of Interest?
4. Does the policy cover Conflicts of Interest at all levels of your organisation?

5. Is the policy clear what actions will be taken where a Conflict of Interest is declared or otherwise identified and will those actions be sufficient to protect Learners?
6. What processes do you have in place to review Conflicts of Interest and how does this happen?

### **A.6 Governing Body oversight**

This only applies to organisations. Sole traders (individuals) are not required to provide a response.

You may wish to provide information and documentation to assist us to consider the following questions in deciding whether you meet this Criterion:

1. Does the Governing Body have defined roles and responsibilities?
2. How does the organisation assure itself that its members of the Governing Body have the appropriate skills and experience?
3. Is it clear how the Governing Body oversees performance across the organisation?
4. Is it clear how the Governing Body integrates with governance at all levels within the organisation?
5. Do policies and processes exist which explains how you identify and manage risk?
6. Does the Governing Body understand its function in ensuring the organisation's capability to comply with the Conditions?
7. Is it clear what authority it has to act and take responsibility for the operation and performance of the organisation?

If you are a wholly owned subsidiary or a division of a larger organisation, you will need to show that your Governing Body has visible and authorised independence from the parent company. This is to ensure the opportunity exists for the awarding organisation to challenge operations in the parent company which may affect the Applicant's ability to comply with the Conditions.

## 1.3 Supporting information

As part of your application, you may wish to make reference to, and include as supporting evidence, some of the following information in your response to show how you meet the requirements of Criteria A.1 to A.6. This list is not exhaustive:

- organisation structure charts
- lists and profiles of key staff
- job or role descriptions
- terms of reference for the Governing Body and relevant committees
- policy and processes for risk management
- committee structures
- information about other activities you may undertake as part of your business activities

# 2.

## Criterion B: Integrity

Criterion B is concerned with the suitability of the organisation or persons relevant to the application. Criterion B.1 relates to the declaration required to evidence suitability for the integrity of the entity applying for recognition and Criterion B.2 relates to the declaration required to evidence suitability for the integrity of Senior Officers.

### 2.1 B.1 Integrity of the Applicant

As part of the application, you should either declare that the entity applying

for recognition has not:

- a) been the subject of any criminal convictions
  
- b) been found by a court or any professional, regulatory or government body to have breached any provision of Competition Law, Equalities Law or Data Protection Law to which it has been subject
  
- c) been found by a court or any professional, regulatory or government body to have breached any provision of any relevant legislation or relevant regulatory obligation to which it is subject
  
- d) been the subject of any instance of insolvency or corporate financial restructuring to which it is or has been subject,

or, where you cannot do so, provide relevant details

Where you provide evidence that you have been the subject of an action in a) to d), this will not automatically lead to an application being refused. We will determine the weight we attach to the information, having regard to the nature and seriousness of the situation and the time which has elapsed since it occurred.

Should non-disclosure of an action be identified after an awarding organisation becomes recognised, we may request further information. As a result of this information, it may be the case that we investigate whether or not recognition has been granted erroneously as a result of failure to disclose the necessary information.

## **2.2 B.2 Integrity of Senior Officers**

Likewise, you should either declare that your Senior Officers have not:

- a) been the subject of any criminal convictions
  
- b) been found by a court or any professional, regulatory or government body to have breached any provision of any relevant legislation or regulatory obligation, to which they are subject
  
- c) been the subject of any instance of bankruptcy or individual financial arrangements to which they are or have been subject
  
- d) been disqualified from holding the directorship of a company or from public office
  
- e) been subject to a finding of malpractice or maladministration, in relation to a qualification (whether regulated or unregulated)

or, where you cannot do so, provide relevant details.

Where you provide evidence that your Senior Officers have been the subject of an action in a) to e), this will not automatically lead to an application being refused. We will determine the weight attached to the circumstances of the action, having regard to the nature and seriousness of the action and the time that has elapsed.

Criterion B.2 (c) specifically refers to “any instance of bankruptcy or any financial arrangements to which he or she [the Senior Officer] is or has been subject”. We will complete a due diligence check through publicly available insolvency registers to verify information that you have submitted as part of your application. In order for us to complete this check, we will need you to provide details on the application form for each Senior Officer.

## **2.3 Supporting information**



In addition, you may wish to make reference to, and include as evidence, some of the following information in your response to evidence how your organisation meets the requirements of Criteria B.1 and B.2. As a minimum we expect to see the following, however this list is not exhaustive:

- recruitment procedures for Senior Officers, including who completes and who is responsible for appropriate checks such as references
- CVs or biographies of Senior Officers
- processes for obtaining and verifying Senior Officer declarations
- processes to deal with allegations about employees
- robust decision-making process for confirming appointments, eg appointment panels

# 3.

## Criterion C: Resources and financing

For Criterion C.1, you should evidence the resources you will have in place to develop, deliver and award the qualifications you wish to offer. It is possible that some of these things are not yet in place (e.g. staff) as you may not yet be offering qualifications. If this is the case, your application and supporting information must show how this will be achieved if we decide to recognise you.

Criterion C.1 is split in to two requirements, so you may want to structure your response accordingly:

(a) systems, processes and resources

(b) financial resources and facilities

### 3.1 C.1(a) Systems, processes and resources

In relation to Criterion C.1(a) you should evidence that you have appropriate arrangements in place to ensure you have or will have:

- IT infrastructure and systems to support the development, delivery and award of qualifications
- any relevant third party contracts
- processes for the development, delivery and award of qualifications
- policies to meet legal and regulatory requirements, for example Reasonable Adjustment or Special Consideration policies
- staff resourcing plans which will enable you to develop, deliver and award qualifications successfully
- dedicated, secure premises which will facilitate the awarding functions of development, delivery and awarding of qualifications
- organisational policies and procedures, eg recruitment of staff and members of the Governing Body

You may wish to provide information and documentation to assist us to consider the following questions in deciding whether you meet this criterion:

1. Is it clear and have you evidenced how you will develop, deliver and award qualifications, through your organisation, processes, people, infrastructure and systems?
2. Do you explain how IT will be managed and any products which you have or will purchase to support this?
3. Have you explained how you will manage data securely to comply with legislation requirements?
4. Have you explained the key components of the qualification lifecycle?
5. Do you have systems and processes in place which will take the Learner from registration to award?
6. Have you evidenced how you will manage and maintain Centres from a risk perspective?
7. Have you explained how you will respond to the requests of Centres and Learners?
8. Have you explained how your Centre systems link up with your own systems?

9. Have you explained your business continuity plan in relation to the development, delivery and award of qualifications and how that is aimed at protecting Learners?
10. Have you explained your people strategy, current and future staffing structure and needs?
11. Have you explained what skills, knowledge and experience you have in current staff who will deliver, develop and award qualifications?
12. Have you explained how new staff will be recruited, trained and managed?

## **3.2 C.1(b) Financial resources and facilities**

We expect you to make reference to your business plan. This should evidence how you have, or will have, appropriate finances in place to support the organisation as a whole. It should also explain how you ensure you have or will have suitable financial arrangements in place to develop, deliver and award the qualifications for which you are seeking recognition.

In relation to Criterion C.1(b) you should evidence that you have appropriate arrangements in place to ensure you have or will have:

- adequate financial reserves which will support the organisation through the lifecycle of a qualification
- accounting and financial monitoring systems in place for the awarding organisation function, or for a new awarding organisation, detailed proposals for maintaining accounting records and monitoring financial performance; a business continuity plan focused on protecting Learners' interests
- third party arrangements that are in place or will be in place for any support services

You may wish to provide information and documentation to assist us to consider the following questions in deciding whether you meet this criterion:

1. Have you explained the financial resources available to the organisation to take you through the lifecycle of the qualification? (We view the qualification lifecycle as extending from pre-development to appeals and evaluation).
2. Have you explained the approach taken to premises with particular regard to security?
3. Have you explained what capital expenditure, if any, will be required during start-up? If funding is required, have you explained how funding is being sourced, the agreement in place and the terms of any re-payment?
4. Have you provided revenue projections for at least the next three years to cover income and expenditure?
5. Have you explained the assumptions for revenue generation, covering best and worst cases scenarios and what contingencies are in place?

### **3.3 Supporting information**

To demonstrate how you meet the requirements of Criterion C.1, you may wish to include some of the following in your response as evidence:

#### **Systems, processes and resources**

- an IT strategy and tools which support the development, delivery and award of qualifications, and the security of Learner information
- a business continuity plan focused on protecting Learners' interests
- third party arrangements that are in place/will be in place for any support services
- processes and policies for the key components of the development, delivery and award of qualifications, from identifying the demand for a new qualification through to review and withdrawal
- a process for maintaining comparability of standards within and across qualifications over time
- a written approach to evaluation and continuous improvement
- a risk management strategy appropriate and proportionate to the

#### awarding organisation function

- a security policy about protecting confidential materials and information
- policies for meeting the needs of Competition Law, Equalities Law and Data Protection Law
- management information reporting systems and processes
- Centre approval policies and processes
- arrangements for overseeing and managing Centres
- identified interactions between the awarding organisation and Centres, supported by training of Centre staff
- processes that allow Centres to apply for Reasonable Adjustments, Special Consideration and make appeals against results
- resources allocated to customer service for Centres and Learners
- policies for dealing with malpractice and maladministration
- an organisation structure chart
- a staffing vision for the different functions associated with developing, delivering and awarding qualifications showing:
  - headcount
  - posts with indication of time spent in roles (eg FTE)
- indication of relevant skills and experience required of teams and individuals
- plans for recruitment for posts not yet filled
- training plans
- plans for recruiting (if applicable) and managing any outsourced operation

#### **Financial resources and facilities:**

- current financial audit reports that are satisfactory or, if no financial audit reports are available, satisfactory alternative financial documentation
- a statement to confirm that the organisation will be financially viable, which is formally approved by the Governing Body or the ultimate controller of the organisation
- accounting and financial monitoring systems and processes in place for the awarding organisation function, or for a new awarding organisation, detailed proposals for maintaining accounting records and monitoring financial performance

# 4.

## Criterion D: Competence

Under Criterion D.1, our assessment of the sufficiency of your understanding of, commitment to and approach to the development, delivery and award of qualifications takes place against three factors. These are the need to ensure that:

- (a) the Applicant will be able to undertake the development, delivery and award the qualification(s) it wishes to award in accordance with the Conditions
- (b) any such qualification must, as far as possible, be Valid, Reliable, Comparable, Manageable and Minimise Bias
- (c) any such qualification must be compatible with the requirements of Equalities Law

With respect to each of the sub-criteria for Criterion D.1, you may wish to reference the supporting documentation to your application in a way which provides evidence of available competence within your organisation for the understanding of, commitment to and approach to the requirements of Criterion D.1.

We do not prescribe or recommend a particular approach. It is for you to explain and evidence how you will implement an approach to developing, delivering and awarding regulated qualifications.

If you are applying for recognition in respect of descriptions of qualifications with regard to which we have published particular requirements, for example Functional Skills, you should demonstrate your understanding of these requirements as part of your application.

In the information you provide in relation to Criterion D, you should explain how the information links to the other criteria. For example:

- how the oversight of the Governing Body (Criterion A.6) will be involved in ratifying the qualifications you wish to develop, deliver and award
- how the resources you have both in terms of people and finance (Criterion C.1) will allow you to develop, deliver and award those qualifications

## **4.1 D.1(a) it will be able to undertake, in accordance with its Conditions of Recognition, the development, delivery and award of any qualification which it may make available as a recognised awarding organisation**

Taken together, your business plan, people strategy, processes and policies should show your organisation has a comprehensive understanding of what the requirements are for developing, delivering and awarding qualifications and how you believe you meet those requirements.

You may find it useful to provide a separate document which describes the steps or processes in the lifecycle of the qualification – covering as a minimum development, delivery and awarding – and which cross refers to each of the documents in the last paragraph in order to demonstrate how these both illustrate understanding of, and ability to comply with, the Conditions.

We expect you to be able to evidence your commitment to the requirements of Criterion D in the overall detail of your application. An example of the type of commitment we expect to be evidenced in the application is in relation to the investment being planned for in terms of time, money and effort. These particular elements of your application should be cross-referenced with the resources aspects from Criterion C.1.

In terms of approach to the development, delivery and award of qualifications, we would expect you to structure your response to mirror the qualification lifecycle. This is not mandatory, however, and you may wish to evidence how you meet this criterion by another method.

You may also wish to provide information and documentation to assist us to consider the following questions in deciding whether you meet this criterion:

1. Have you explained where each function of qualification development, delivery and awarding will sit within the organisation?
2. Have you explained your processes in such a way which evidences your understanding and describes those processes to show how the different functions will interact?
3. Have you provided role profiles which clearly identify those roles which are responsible for development, delivery and award of each qualification type in respect of which you are applying for recognition? Do these roles have the appropriate technical skills to ensure subject content, reliability or equality? – this should be cross-referenced to Criterion C.1(a)
4. Have you explained how these roles fit within the organisation? – this should be cross-referenced to Criterion A.4
5. Have you explained the staffing levels you believe you will need and do these seem appropriate? – this should be cross-referenced to Criterion C.1(a)
6. What steps have you taken to address any conflicts of interest which may arise? – this should be cross-referenced to Criterion A.5
7. Have you evidenced your business plan and associated funding for the whole of the qualification lifecycle? – this should be cross-referenced to Criterion C.1(b)

## **4.2 D.1(b) any such qualification must, as far as possible, be Valid, Reliable, Comparable, Manageable and Minimise Bias**



All awarding organisations who offer regulated qualifications must ensure that each qualification they make available is fit for purpose. Under Condition D1.2 a regulated qualification will only be fit for purpose if that qualification, as far as is possible, secures the requirements of Validity, Reliability, Comparability, Manageability and Minimising Bias.

Within your application, we expect you to evidence your understanding of the requirements of Criterion D.1(b) by showing how you build or how you would build these requirements in to the qualification functions of development, delivery and award. You should also evidence the approach you employ and any evaluation you undertake to ensure you meet the requirements of Criterion D.1(b).

You may wish to provide information and documentation to assist us to consider the following questions in deciding whether you meet this Criterion:

1. How have the Governing Body, senior team and key stakeholders evidenced their commitment to oversee the development, delivery and award of qualifications that, as far as possible, are Valid, Reliable, Comparable, Manageable and Minimise Bias?
2. Is this commitment evidenced in your business plan and does the business plan describe how this will be achieved?
3. Have you evidenced what resources you will need, in terms of people, finance and facilities to be a compliant awarding organisation and have you identified how you will meet those resources? – this should cross-reference with Criterion C.1 4, Have you explained whether you would and, if so, how you will use expertise from external organisations?

## **4.3 D.1(c) any such qualification must be compatible with the requirements of Equalities Law**

Your response should evidence your understanding of how you will ensure

the regulated qualifications you offer comply with the relevant equalities legislation at every stage of the qualification lifecycle. You are welcome to use your own structure which may be more appropriate for your qualifications' lifecycle. The response gives you an opportunity to show in detail how you have committed to ensuring the regulated qualifications you wish to offer are compatible with Equalities Law. You should also describe your approach to evaluating the effectiveness of your approach to securing such compliance.

You may wish to provide information and documentation to assist us to consider the following question in deciding whether you meet this Criterion:

1. Have you evidenced how you will ensure that the qualifications you offer will meet Equalities Law?

## 4.4 Supporting information

In addition, you may wish to make reference to, and include as evidence, some of the following information in your response to illustrate how your organisation meets the requirements of Criterion D.1. As a minimum, we expect to see the following, however, this list is not exhaustive.

### **Information in relation to the development, delivery and award of a qualification which you may make available as an awarding organisation**

- business strategy and plan or case
- staffing plan
- details of capital investment and financial forecasts
- plans for access to staff and equipment that are sufficient to support the expected current and future demand for services
- evidence that assessment personnel have the necessary experience, training and resources; senior managers similarly are adequately

experienced and skilled in this area

- procedures in relation to maintaining archives, retaining and using evidence to guide the work of examiners and assessors
- systems in place for monitoring costs or detailed proposals for continued cost control
- policies on pricing, publishing information on fees and payment terms, and invoicing

**Information in relation to securing, as far as possible, the requirement that such qualifications be Valid, Reliable, Comparable, Manageable and Minimise Bias**

- details of capital investment and financial forecasts
- evidence of market scoping activity, demonstrating clear understanding of stakeholder requirements and likely delivery routes
- demonstrable support from relevant stakeholders
- compliance with qualification development procedures
- a clear understanding of policies and practices to evaluate requests from stakeholders and act accordingly
- processes and procedures for the reviewing of units/qualifications to ensure their quality
- processes to collect and evaluate review feedback

**Information in relation to securing the compatibility of such qualifications with the requirements of Equalities Law**

- how assessment personnel and procedures take into account relevant requirements which seek to minimise barriers to access wherever relevant
- policies and procedures to ensure the quality of internal and external assessment and deal with incidents of malpractice, appeals and complaints

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