

Office of Qualifications and Examinations Regulation (Ofqual)

# Report

to the Northern Ireland Assembly

1st April 2012– 31st December 2014



# Office of Qualifications and Examinations Regulation (Ofqual) Report to the Northern Ireland Assembly

For the period 1st April 2012 to 31st December 2014

Presented to the Northern Ireland Assembly in pursuance of Section 171 of the Apprenticeships, Skills, Children and Learning Act 2009 by the Office of Qualifications and Examinations Regulation (Ofqual).

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# Foreword


We are pleased to introduce this report to the Northern Ireland Assembly, covering our work on vocational qualifications over the period from April 2012 to December 2014.

We provide an overview of our work on standards and cover the improvements we are making to our regulatory approach to put the validity of qualifications at the heart of what we do.

We believe we have developed more effective regulatory approaches and dealt with standards issues immediately as they have arisen. What is more, we have spent an increasing proportion of our overall time and resource on detection and prevention rather than on more reactive work.

We continue to build assessment expertise and we are particularly indebted to those external experts who participate in our Vocational Advisory Group,<sup>1</sup> who provide advice on vocational qualifications and assessment standards issues.

Even with the benefit of this expertise, we must inevitably prioritise our work, and we find there is always more that can and should be done. Our priorities for the future are set out in our *Corporate Plan*<sup>2</sup> for the period 2015–18.



**Glenys Stacey, Chief Regulator**



**Amanda Spielman, Chair**

1. Membership of our Vocational Advisory Group can be found here: [www.gov.uk/government/organisations/ofqual/about/our-governance](http://www.gov.uk/government/organisations/ofqual/about/our-governance)

2. Our Corporate Plan for the period of 2015-18 is available at: [www.gov.uk/government/publications/ofquals-corporate-plan-for-2015-to-2018](http://www.gov.uk/government/publications/ofquals-corporate-plan-for-2015-to-2018)

# Our role

**Our job is to make sure the qualifications we regulate are of the right standard and that the qualifications system works well so that those who take or rely on qualifications can have confidence in them.**

We regulate awarding organisations that award qualifications<sup>3</sup> in England and those that award vocational qualifications in Northern Ireland.<sup>4</sup> We do not regulate degrees. Education and skills policy is devolved and we are conscious of qualifications policy in each administration as we regulate.

Statute determines that we shall be independent. Our objectives require us to maintain the currency and worth of regulated qualifications. We have five statutory objectives. These are set out in the Apprenticeships, Skills, Children and Learning Act 2009. In brief, they are to:

1. secure qualifications standards;
2. promote assessment standards;<sup>5</sup>
3. promote public confidence in regulated qualifications and assessment arrangements;
4. promote awareness of the range of regulated qualifications and the benefits of regulation;
5. secure that regulated qualifications are provided efficiently.

## Awarding organisations and their qualifications

As at end December 2014, we regulated 100 awarding organisations offering more than 2,300 vocational qualifications in Northern Ireland. Individual awarding organisations offer significantly different portfolios of qualifications. Some offer only a handful of niche or specialist qualifications, whereas a few offer portfolios including several

3. For a qualification to be regulated by us it must be: (a) awarded by an awarding organisation we have recognised to provide the qualification; and (b) if at least some students are being assessed for the qualification in England or (if they are taking vocational qualifications) Northern Ireland.

hundred qualifications. The four largest awarding organisations offer just over half of all regulated vocational qualifications in Northern Ireland (City & Guilds, Pearson, Chartered Institute of Environmental Health and the Associated Board of the Royal Schools of Music). Nearly 90 per cent of available vocational qualifications are offered within the Qualifications and Credit Framework (QCF).

## Memorandum of Understanding with the Department for Employment and Learning

Our relationship with the Department for Employment and Learning (DEL) is underpinned by a Memorandum of Understanding which recognises our respective roles and responsibilities. The Memorandum also recognises the legitimate interest we each have in the other's policies and sets out the principles for effective working arrangements. Both Ofqual and DEL are committed to the principle of good communication and we consult DEL on matters concerning the regulation of vocational qualifications in Northern Ireland both through formal consultation and regular discussions. We have a small team based in Belfast responsible for both our operations and our stakeholder relationships across Northern Ireland.

Ofqual's Board is the legal authority responsible for the regulation of qualifications, exams and assessments. It provides leadership and direction, setting our aims, values and standards. In accordance with Schedule 9, paragraph 2(7) of the Apprenticeships, Skills, Children and Learning Act 2009, we have a Board member from Northern Ireland, appointed in consultation with DEL. We are answerable to the Northern Ireland Assembly for ensuring that all resources available are used properly and provide value for money. We do this by accounting for an annual budget (see appendix 3) agreed with DEL and by presenting this report.

4. In Northern Ireland, we regulate free-standing maths qualifications, English for speakers of other languages, key skills, basic skills, higher level qualifications, the Qualifications and Credit Framework (QCF), vocationally-related qualifications, national vocational qualifications, occupational qualifications and functional skills.

5. National Assessment standards in England only.





Standards and  
regulatory activity

# Securing qualification standards

**We regulate so that qualifications are sufficiently valid and trusted. Qualifications and assessments are sufficiently valid if the results mean what they say and can be relied upon.**

Our focus is on ensuring that the specifications of awarding organisations properly describe the content of their qualifications and that their assessment strategy properly measures attainment against that content. We operate a risk-based approach to ensure that we target the issues of greatest concern to the sustained provision of high-quality qualifications.

We are in the process of reshaping our organisation in order to devote additional dedicated resources to regulating vocational qualifications.



## The Qualifications and Credit Framework

The QCF<sup>6</sup> was launched in 2008 as a reforming framework for adult vocational qualifications. With its requirements for a uniform building-block approach to learning, qualifications and credit transfer, the intention was that it would improve the quality of vocational qualifications, support progression and enhance mobility. However, it has become clear that this centrally-driven initiative has not worked. The

6. *Regulatory arrangements for the Qualifications and Credit Framework*. Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/371294/2008-08-15-regulatory-arrangements-qcf-august08.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/371294/2008-08-15-regulatory-arrangements-qcf-august08.pdf)

QCF rules have not always delivered their intended outcomes, and at times stood in the way of the development of consistently good, valid and reliable qualifications. Credit transfer arrangements were little used and unit sharing meant accountability for the quality of qualifications was not always clear.

In 2013, we considered carefully how to improve the quality of vocational qualifications where it was necessary to do so. Having spoken with fellow qualifications regulators in Wales and Northern Ireland and other stakeholders, we then consulted publicly in 2014 on significant changes to the QCF and the way we regulate vocational qualifications.<sup>7</sup>

In July 2014, we published a consultation about withdrawing the regulatory arrangements for the QCF rules in England and Northern Ireland. In preparation, we considered the reports commissioned by the UK Government into vocational education, apprenticeships and adult vocational qualifications, and noted their comments about the QCF.

When we analysed the responses to our consultation, it was clear there were a range of views. Some respondents disagreed with parts of our proposals, but no-one identified significant barriers to our main proposal to withdraw the rules.<sup>8</sup> Removal of the rules was welcomed by more than half of the 138 respondents, including many educationalists and awarding organisations. There was wide appreciation among the awarding organisations that removal of the rules would increase their flexibility to design more innovative and appropriate qualifications to better meet the needs of users. In December 2014 we announced our intention to withdraw the QCF regulations over the coming year. We anticipate public confidence in vocational qualifications will increase as we do so.

7. *Withdrawing QCF regulatory arrangements*. Available at: [www.gov.uk/government/consultations/withdrawing-qcf-regulatory-arrangements](http://www.gov.uk/government/consultations/withdrawing-qcf-regulatory-arrangements)

8. In April 2015, we initiated a public consultation on our implementation plans, setting out the detail of new Conditions and guidance needed to support the removal of the QCF rules.

While we are removing the QCF rules, our existing General Conditions of Recognition will remain in place. These Conditions have validity at their heart. They do not prescribe a one-size-fits all approach and provide flexibility to allow for different approaches in different sectors.

## **Functional skills**

In 2014, we conducted a review into functional skills qualifications. During the review, we identified a number of areas where improvement was required by the awarding organisations. These areas were principally around improving the quality of assessment materials, reducing malpractice, strengthening standards, and evaluating user needs. Progress against these goals will be assessed later in 2015.



# Regulatory activity

## Awarding organisations

Our legislation enables or allows us to:

- set recognition criteria (s.133), and set and publish Conditions of Recognition – including General Conditions, and special, fee capping, and entry and inspection Conditions (s.134 to 137);
- recognise awarding organisations that meet our recognition criteria (s.132); where appropriate, withdraw an awarding organisation's recognition (s.152); and vary an awarding organisation's surrender of recognition date or make transitional arrangements for awarding organisations surrendering their recognition (s.147);
- prepare or revise the qualifications regulatory framework (s.153);
- direct an awarding organisation to take or refrain from taking steps to secure compliance with its Conditions (s.151); fine an awarding organisation and determine the amount of that fine (s.151A and 151B); and recover costs from an awarding organisation for undertaking the above actions (directing, fining or withdrawing) (s.152C).



Our regulatory powers were increased in 2011 by the UK Parliament, most notably giving us the power to fine awarding organisations up to 10 per cent of their turnover.

9. *Criteria for Recognition*. Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/371106/2011-05-16-criteria-for-recognition.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/371106/2011-05-16-criteria-for-recognition.pdf)

10. *General Conditions of Recognition*. Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/371266/2014-11-03-general-conditions-of-recognition-november.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/371266/2014-11-03-general-conditions-of-recognition-november.pdf)

## Setting recognition criteria and Conditions

In May 2011, we published recognition criteria<sup>9</sup> that came into force in July 2011.

We updated the *General Conditions of Recognition*<sup>10</sup> in November 2012 to strengthen our regulatory framework, adding new Conditions relating to inactive awarding organisations and maintaining confidentiality of assessment materials. These were further updated in November 2014.

## Preparing or revising the qualifications regulatory framework

After we introduced the *General Conditions of Recognition*, our senior representatives met with the governing body of every awarding organisation recognised at that time to discuss what we expected from them, and what they could expect from us. In November 2012, we published *Guidance to the General Conditions of Recognition*<sup>11</sup> in a number of priority areas, so as to provide greater clarity for awarding organisations about how compliance may be secured.

## Statements of compliance

Awarding organisations are required to submit to us on an annual basis, a statement of their compliance with the *Conditions of Recognition* and potential compliance for the next 12 months. Not all awarding organisations achieved full compliance with the Conditions when they submitted statements.

By 2014 awarding organisations were reporting greater compliance with the Conditions, a welcome development, but nevertheless we remained concerned about the quality of some regulated qualifications. We have determined to develop our approach to regulation so as to focus on the validity of regulated qualifications.

11. *Guidance to the General Conditions*. Available at: <http://webarchive.nationalarchives.gov.uk/20141031163546/http://ofqual.gov.uk/wp-content/uploads/2013/09/ARCHIVED-2013-09-02-guidance-to-the-general-conditions-of-recognition-september-2013.pdf>

### **Taking regulatory action (Directions, fines, withdrawal of recognition and recovery of costs)**

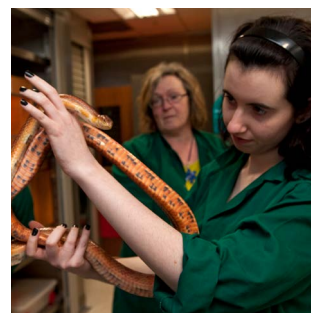
Our approach to enforcement is set out in *Taking Regulatory Action*.<sup>12</sup> It was updated in May 2012 to include our power to fine an awarding organisation, which came into effect on 4th May 2012.

We have published all Directions given to awarding organisations to secure compliance with the Conditions and the majority of the Special Conditions imposed, and undertakings accepted, on our website. We have not yet fined an awarding organisation or sought to recover costs for any of the regulatory actions we have taken, but will not hesitate to do so when appropriate.

### **Publish a Register of qualifications**

We are required by our enabling legislation to publish a Register of regulated qualifications. We maintain the 'Register' on our website. It was launched in October 2010 and this supported our vesting as a new organisation; until then we had been reliant on the Qualifications and Curriculum Authority's legacy systems. The Register contains all qualifications we regulate, and all awarding organisations recognised by us.

In 2014 we determined to improve the Register to provide more information and make it more useful to those making decisions on qualifications in which they are interested. Working with other interested parties, we are implementing changes that are coming into effect in 2015.



12. *Taking Regulatory Action*. Available at: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/377014/2012-03-05-taking-regulatory-action-version.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/377014/2012-03-05-taking-regulatory-action-version.pdf)

## Appendix 1: Qualification achievements in Northern Ireland

### Achievements by level

Level	January to December 2012	January to December 2013	January to December 2014
Entry Level	14,290	8,050	11,840
Level 1	40,385	30,070	29,575
Level 2	89,080	82,990	84,300
Level 3	27,350	28,980	29,335
Level 4	1,610	1,840	1,750
Level 5	2,220	2,275	2,150
Level 6	60	60	80
Level 7	45	100	40
<b>Total</b>	<b>175,040</b>	<b>154,360</b>	<b>159,065</b>

#### Notes:

All numbers are rounded to the nearest 5.

Figures have been rounded independently so may not sum to the total.

Achievements of Ofqual regulated qualifications in Northern Ireland only.

### Achievements by qualification type

Type	January to December 2012	January to December 2013	January to December 2014
Basic Skills	5,085	165	680
English for Speakers of Other Languages	2,090	2,070	3,585
Free Standing Mathematics Qualification	0~	0	5
Functional Skills	90	145	135
Higher Level	1,420	320	170
Key Skills	29,025	4,490	11,100
National Vocational Qualification	3,180	820	285
Occupational Qualification	50	5	0
QCF	127,090	142,115	139,140
Vocationally-Related Qualification	7,010	4,230	3,960
<b>Total</b>	<b>175,040</b>	<b>154,360</b>	<b>159,065</b>

#### Notes:

All numbers are rounded to the nearest 5, values less than 3 will appear as 0~.

Figures have been rounded independently so may not sum to the total.

Achievements of Ofqual regulated qualifications in Northern Ireland only.

## Appendix 2: Largest awarding organisations in Northern Ireland

Awarding organisation	January to December 2012	January to December 2013	January to December 2014
City and Guilds of London Institute	48,285	29,355	34,810
Pearson Education Ltd	24,960	27,725	17,980
Chartered Institute of Environmental Health	13,430	16,220	17,360
Associated Board of the Royal Schools of Music	11,640	11,330	11,040
Council for the Curriculum, Examinations and Assessment	17,890	6,980	10,675
OCR	9,905	9,760	9,585
Trinity College London	6,205	5,955	7,615
University of West London	5,670	6,530	3,805
Open College Network Northern Ireland	45	235	3,740
NOCN	4,120	6,115	3,290
Others	32,895	34,155	39,170
<b>Total</b>	<b>175,040</b>	<b>154,360</b>	<b>159,065</b>

### Note:

All numbers are rounded to the nearest 5. Figures have been rounded independently so may not sum to the total. Achievements of Ofqual regulated qualifications in Northern Ireland only.

## Appendix 3: Expenditure

### Expenditure, £000

	2011/12	2012/13	2013/14
Permanent staff	8,757	8,435	10,267
Personnel overheads	482	525	314
Other staff costs	911	2,532	2,552
Accommodation	1,393	1,229	1,052
Non-cash items, for example depreciation	874	908	908
IT costs	1,496	610	1,063
Operational spend	2,749	3,034	2,526
Capital spend	602	11	87
<b>Total expenditure</b>	<b>17,264</b>	<b>17,284</b>	<b>18,769</b>
<b>(of which expenditure in Northern Ireland)</b>	<b>(396)</b>	<b>(387)</b>	<b>(328)</b>

Further detail can be obtained from the *Office of Qualifications and Examinations Regulation Annual Report and Accounts* available on our website.<sup>14</sup>

14. [www.gov.uk/government/organisations/ofqual](http://www.gov.uk/government/organisations/ofqual)

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