ofqual

Guidance

Recognition application: guidance for the Criteria

Updated 30 June 2020

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

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 governance and management of your organisation is structured and operates. 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 in your application. Specifically, the fund relevant you provide the following as a minimum in response to A.1 and A.2:

- Evidence establishing that you operate from premises within the UK, Gibraltar, a member state of the European Union or the European Free Trade Association
- A main contact address and another telephone number within the UK, Gibraltar, EU or EFTA
- A valid UK, Gibraltar, EU or EFTA company number or equivalent if you are a company
- Evidence of relevant registration with any appropriate authority within the UK, Gibraltar, EU or 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 establish your organisation's identity, including company number, charity registration 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 well-led, organised and governed. Where appropriate, you should provide evidence of how your organisation's governance and leadership comes and how it relates to your business and your operations.

A.4 Organisation and governance

You should provide information and supporting evidence on how your current or proposed governance structure is organised and how it supports the delivery of your qualifications. You may wish to provide information and documentation to assist us in understanding how your organisation is governed. This could include, for example:

- Is there a clear structure supporting how the awarding organisation will function in relation to the development, delivery and awarding of qualifications?
- Is it clear who is accountable for the quality of the development, delivery and awarding of qualifications?
- Are reporting lines and structures clear?
- Are there a sufficient number of members of the board?
- Is the responsible officer fully committed to the organisation's development, delivery and award of qualifications?
- Is the responsible officer a fit and proper person and authority?
- 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 policies for how you will identify Conflicts of interest and how you will manage them. Including but not limited to, evidence that 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 is not exhaustive:

- publishers acting as awarding organisations
- sector skills councils acting as awarding organisations
- national governing bodies for sports acting as awarding organisations
- training organisations acting as awarding organisations
- training organisations acting as awarding organisations
- authors of examination who are also teachers
- authors of examination 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:

- Does you considered all elements of the business to identify those areas which may give rise to a Conflict of interest?
- Does a policy document explain how you identify and manage Conflicts of interest?
- Do all individuals associated with your organisation declare Conflicts of interest?
- Does the senior Conflicts of interest at all levels of your organisation?
- Is the policy clear what actions will be taken where a Conflict of interest is declared and how will you ensure that these actions are sufficient to manage the risk?
- 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:

- Does the Governing Body have defined roles and responsibilities?
- How does the organisation ensure that its members of the Governing Body have the appropriate skills and experience?
- Is it clear how the Governing Body measures performance across the organisation?
- Is it clear how the Governing Body integrates with governance at all levels within the organisation?
- Do policies and processes exist which explains how you identify and manage risk?
- Does the Governing Body understand its function in ensuring the organisation's compliance with its regulatory obligations?
- Is it clear what policy there is to act and take responsibility for the oversight or performance of the organisation?

If you are a company operated as a sole, you will need to show that your Governing Body, Senior Officer and Senior Management Team are fit and proper. We will use the opportunity work for the awarding organisation to challenge operations in the parent company which may fall within the Regulator's ability to comply with the Conditions.

1.3 Supporting information

In addition, you may wish to make references to, and include as evidence, some of supporting documents, which the following information is an example of. Please note that 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
- lists of Governing Bodies
- 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 relates to the declaration requirement and information relevant for the integrity of the awarding approval for recognition and Criterion B. It relates to the declaration required to evidence suitability for the integrity of Senior Officers.

2.B.1 Integrity of the Applicant

As part of the application, you should either declare that the entity applying for recognition has not:

(i) been the subject of any criminal convictions

(ii)been found by court in any professional, regulatory or government body to have breached any provisions of Competition Law, Equalities Law or Data Protection Law to which it has been subject

(iii)been found by a court in any professional, regulatory or government body to have breached any provisions of any relevant legislation or relevant regulatory obligations to which it is subject

(iv)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 (i) to (iv), we will not automatically lead to an application being refused. We will determine the relevance of the action to the Criteria and Conditions. We will take into account the nature of the situation and the time which has elapsed since it occurred.

Should non-disclosure of an action be identified after an awarding organisation has been 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 mandatory information.

2.B.2 Integrity of Senior Officers

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

(i)been the subject of any criminal convictions

(ii)been found by a court in any professional, regulatory or government body to have breached any provisions of relevant legislation or regulatory obligations to which they are subject

(iii)been the subject of any instance of bankruptcy or individual financial arrangements to which they are or have been subject

(iv)been disqualified from holding the directorship of a company or from public office

(v)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 (i) to (iv), we 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 relevance of the action and the time that has elapsed.

Criterion B (iii) specifically refers to "any instance of bankruptcy or any financial arrangements to which they are or have been subject". We would expect that you will consider a due diligence check through publicly available information to verify information that you have submitted as part of your application. In order for us to consider Criterion B, we need you to provide details on the application form for each Senior Officer.

2.3 Supporting information

In addition, you may wish to make references to, and include as evidence, some of the supporting documents, which the following is evidence how your organisation meets the requirements of Criterion B. This is not a minimum requirement but it may be helpful because this is not a mandatory:

- recruitment procedures for Senior Officers, including who complete and who is responsible for the checks and how are references
- CVs or biographies of Senior Officers
- processes for obtaining and verifying Senior Officer declarations
- processes to deal with disclosed information
- robust decision-making process for confirming appointments, eg appointment panels

3. Criterion C: Resources and financing

For Criterion C, 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, you should provide supporting information that shows how you will achieved if we decide to recognise you.

Criterion C.1's split is to take requirements, so you may want to structure your response accordingly.

(a) systems, processes and resources

(b) Financial resources and facilities.

3.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
- Appropriate third party contracts
- processes for the development, delivery and award of qualifications
- policies to meet legal and regulatory requirements, for example Reasonable Adjustments, Special Consideration
- staff resourcing plans which will enable you to develop, deliver and award qualifications successfully
- a robust quality assurance framework 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:

- Is it clear and have you evidenced how you will develop, deliver and award qualifications. Through your organisation processes, please identify and explain?
- Do you explain how IT will be managed and any products which you have or will develop to support this?
- Have you explained how you will manage data security to comply with legislative requirements?
- Have you considered the key components of the qualification lifecycle?
- Do you have systems and processes in place which will ensure that your regulation is secure?
- Have you explained how you will manage and maintain Centres from a risk perspective?
- Have you explained how you will respond to the requests of Centres and carriers?
- Have you explained how Centre systems link up with your operations?
- Have you explained your business continuity plan in relation to the development, delivery and award of qualifications, including your business continuity plan?
- Have you explained your complete strategy, current and future development for your business?
- Have you explained what skills, knowledge and experience you have in current staff who will deliver, develop and award qualifications?
- Have you explained how new staff will be recruited, trained and managed?

3.C.1(b) Financial resources and facilities

We expect you to make reference to your business plan. This should evidence how you will have the financial resources in place to develop, deliver and award qualifications. It should also explain how you ensure you have or will have appropriate 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 financial resources and facilities in place to ensure you have:

- adequate financial systems which will support the organisation in the delivery of a qualification
- appropriate financial monitoring systems in place for the awarding organisation functions, eg fees, awarding organisation, delegated responsibilities, bank and accounting records and monitoring financial performance a business continuity plan
- appropriate financial controls in place
- third party arrangements are in place and will be in place for any support needed

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

- Have you explained the financial resources available to the organisation to pay through the development of the qualification? Offer new the qualification and ensure ongoing sustainability of the qualification?
- Have you explained the separate fees for Centres and carriers (what regard to recruit)?
- Have you explained what capital expenditure, if any, will be required during start-up and ongoing? Have you explained how this will be funded? Have you agreed in place and the terms of any arrangement?
- Have you provided revenue projections for at least the next three years to cover development and ongoing?
- 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 or your response is evidence:

Systems, processes and resources

- an IT strategy and details, which support the development, delivery and award of qualifications, and the security of customer information
- a business continuity plan, which covers the delivery of your services
- third party arrangements that are in place/will be in place to support services processes and policies for the key components of the development, delivery and award of qualifications, from identifying the demand for a qualification to the delivery and assessment
- a process for maintaining compatibility of standards within and across qualifications over time
- a written approach to evaluation and continuous improvement
- a quality assurance framework appropriate and proportionate for the awarding organisation functions
- a security policy about protecting confidential materials and information
- policies and procedures for Competition Law, Equalities Law and Data Protection Law
- management information reporting systems and processes
- Centre assessment and processes
- arrangements for overseeing and managing Centres
- arrangements for overseeing and managing organisations and Centres, supplied by training of Centre staff
- processes that allow Centres to apply for Reasonable Adjustments, Special Consideration and to report suspicious activity
- resources allocated to customer service for Centres and carriers
- policies for dealing with malpractice and maladministration
- a complaints and appeals process
- a staffing course for the functions associated with development, delivery and awarding qualifications showing:
- staff numbers
- posts with indication of their open to roles (eg FTE)
- indication of relevant skills and experience required of teams and individuals
- plans for recruitment (if applicable)
- training plans
- plans for recruiting (if applicable) and managing any outsourced operation

Financial resources and facilities:

- current financial accounts that can be authenticated, or, if no financial accounts are available, satisfactory alternative financial documentation
- a business plan, which covers the delivery of the awarding body viable, which is formally approved by the Governing Body or the ultimate controlling body of organisation
- appropriate financial monitoring systems and processes in place for the awarding organisation functions, or for a new awarding organisation, demonstration of maintaining accounting records and monitoring financial performance

4. Criterion D: Competence

Under Criterion D.1 our assessment of the sufficiency of your understanding of requirements and ability to meet them will be based on your response to the qualifications below and against those 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 seeks to secure 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 the first of the Criterion for Criterion D.1, you may wish to demonstrate the supporting documentation to your application in a way which provides evidence of your understanding of the requirements of Criterion D.1 and how you will be prepared to try and approach 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 approach and support in developing, delivering and awarding regulated qualifications.

We do not prescribe recognition in respect of descriptions of qualifications with regard to any subject or technical particular requirements. For, respectively, Criterion D.1, 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 ownership of the Governing Body (Criterion A.6) will be measured in setting and ensuring the competence of the Governing Body?
- How the resources you have both in terms of people and financial (Criterion C.1) will allow you to develop, deliver and award those qualifications

4.D.1(a) (i) will be able to undertake, in accordance with the 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, project strategy, processes and policies should demonstrate your understanding of the requirements and your ability to undertake, whether on or for developing, delivering and awarding qualifications and how you have met 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. This document could be a flowchart or a narrative or a diagram in order to demonstrate how those both illustrate and demonstrate your ability and ability to comply with the Conditions.

We would also expect to see evidence of your commitment to the requirements of Criterion D – this could include a statement of your understanding of what this commitment means and how it is evidenced in the application in relation to the Conditions. Evidence could include, for example, a statement of how the Governing Body (elements of your application) has been involved with the development of the application from Criterion C.1.

In terms of preparation to the development, delivery and award of qualifications, we would expect you to structure your response to mirror the qualification lifecycle. This is a suggestion only, but it may be helpful to ensure that your response is structured in a way that is easy for 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:

- Have you explained where each function of qualification development, delivery and awarding will be carried out and by whom?
- Have you explained your processes in such a way which enables us to understand your understanding and describe those processes to show how the different functions will be carried out?
- Have you provided non-profile charts which clearly identify those roles and responsible for development, delivery and award of each qualification type in respect of the functions of Criterion D.1 (e.g. Qualification Development, Qualification Technical ability to assess subject content, reliability or equality of assessment, cross-referenced to Criterion C.1(a))
- Have you explained how you will fit within the organisation? – this should be cross-referenced to Criterion A.6
- 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)
- What steps have you taken to address any conflicts of interest which may arise? – this should be cross-referenced to Criterion A.5
- Have you evidenced your business plan and associated funding for the delivery 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

Assessing organisations who offer regulated qualifications must ensure that each qualification they make available is fit-for-purpose. Under Condition D1.2 is required to ensure that qualifications are fit-for-purpose and meet the requirements of Validity, the requirements of Validity, Reliability, Comparability, Manageability and Minimise Bias.

Within your application, we expect you to evidence your understanding of the requirements of Criterion D.1 Meaning that you build in those requirements? Those requirements is to the qualification functions of development, delivery and award. You may wish to provide information and documentation to assist us to consider the questions 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 the Criterion:

- Have been the Governing Body, senior team and key stakeholders understand their commitment to oversee the development, delivery and award of qualifications that is to be provided to Valid, Reliable, Comparable, Manageable and Minimise Bias?
- Have you explained how you will monitor and ensure the Governing Body understands and describe how this will be achieved?
- Have you evidenced what resources you will need, in terms of people, finance and IT, to ensure that the development, delivery and award of qualifications is Valid, Reliable and meet those requirements? – this should cross-reference with Criterion C.1
- 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 development, delivery and award. Your response should show how you will make sure it is even appropriate for your qualification to be offered. Your response should show an opportunity to show a belief how you have committed to ensuring the regulated qualifications you offer are accessible to all learners and how you will ensure that you offer the proper approach to evaluation of the qualification and how you will respond to such complaints.

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