

Huw Lewis AC / AM
Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref HL/01408/14

Ann Jones AM
Chair
Children, Young People and Education Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

17 July 2014

Dear Ann,

Children, Young People and Education Committee- Pre-legislative Scrutiny of Proposals to Establish Qualifications Wales

Thank you for your letter of 27 June, enclosing an advance draft of the report of the Children, Young People and Education Committee's Pre-legislative Scrutiny of the Welsh Government's proposal to establish Qualifications Wales.

I am grateful to the Committee for its consideration of the proposals and its subsequent helpful report. I would like to accept your invitation to respond to the recommendations and other matters contained within the report. The Committee will, I am sure, be reassured to note that many of the recommendations reflect actions which my officials are already undertaking in the development of the provisions of the forthcoming Bill.

Recommendation A1

As the Committee will be aware, from my Statement of 2 June 2014, I remain convinced that a qualifications body for Wales, which is independent of Government and which both awards and regulates qualifications, should remain our long-term national ambition. The Welsh Government will, in the first instance, bring forward legislation to establish Qualifications Wales as a national body to regulate awarding bodies and to quality assure qualifications. Future legislation would be necessary to confer awarding powers on Qualifications Wales.

It is the Welsh Government's intention that Qualifications Wales should be concerned with the fitness for purpose of qualifications in Wales; with the efficiency and effectiveness of the qualification system and with building public confidence. The Review of Qualifications in Wales set a clear vision of qualifications that meet the needs of learners, employers and education providers. For some qualifications, and in order to simplify and strengthen the qualifications on offer in Wales, it may be important to select single providers to work with Qualifications Wales to design and deliver those qualifications for Wales. It is for this reason that I believe it is essential that, in support of its regulatory and quality assurance functions, Qualifications Wales also should have the power to commission one or more awarding bodies to develop and deliver qualifications to meet these needs. Such qualifications would only be delivered by regulated awarding bodies and would be subject to the same quality assurance processes as other non-commissioned qualifications.

I intend for Qualifications Wales to keep under review its relationship with awarding bodies with a view to providing a future Assembly with evidenced based proposals as to how it could develop its own awarding capability in future.

Recommendation B1

The operational independence of Qualifications Wales is a fundamental concept underpinning my intentions to establish the new body outside of Government. It is my intention that Qualifications Wales will be accountable, primarily, to the Assembly in relation to its qualifications functions; its accountability to the Welsh Government will be in relation, primarily, to its expenditure of public funds.

Recommendation B2

I agree that it is essential that the work to establish Qualifications Wales does not detract from the ongoing programme of qualifications reform. The Committee may be reassured to note that a separate Division in the Department for Education and Skills was established to manage the creation of the new body and to ensure a separation of responsibilities from the Qualifications and Regulation Division. In setting up this Division we have drawn in additional expertise from a range of sources. The Qualifications and Regulation Division are continuing to drive forward the implementation of the recommendations from the Review of Qualifications.

Recommendation B3

The Qualifications Wales Transition Division has developed a three-stage recruitment plan with the dual objectives of ensuring that Qualifications Wales will be sufficiently resourced with skilled staff and that existing staff, who currently perform qualifications functions within the Welsh Government, are treated fairly and with due regard to their terms and conditions of employment. The plan takes into account the provisions of COSoP (the Cabinet Office Statement of Practice on staff transfers in the public sector, which requires TUPE principles to be followed for such transfers). The recruitment plan is part of a wider People Plan which addresses all the people related issues generated by the establishment of Qualifications Wales.

Recommendation B4

The principal aims of Qualifications Wales will be set out clearly on the face of the Bill. I agree with the Committee's view that Qualifications Wales will need wide ranging regulatory powers. It is the intention that Qualifications Wales should be able to determine, in discussion with the Welsh Government, the qualifications on which it should focus its attention – with no unnecessary legislative constraints.

Recommendations – Group C

Although I have addressed the Committee's concern that awarding powers will be granted in this Bill, I would, nevertheless, like to address the recommendations in Group C as I believe they remain valid.

Recommendation C1

The intention is that Qualifications Wales should have powers to regulate awarding bodies and to quality assure qualifications – both academic and vocational. Where Qualifications Wales has a role in commissioning awarding bodies to develop new qualifications for Wales, those qualifications will remain subject to separate robust review and approval procedures and to on-going monitoring and review once approved. Whatever process is used to select one or more awarding bodies for the design and/or delivery of specific qualifications it will be open, fair and transparent. The requirement for regulated awarding bodies (whether commissioned or not) to comply with regulatory conditions will be set out in the Bill when it is introduced.

Recommendation C2

The intention is that approved qualifications will continue to be awarded by recognised awarding bodies and that those awarding bodies will be regulated by Qualifications Wales. Where one or more awarding bodies have been commissioned to develop and/or award qualifications, to specifically meet the needs of Wales, then these awarding bodies will, in addition to having to continue to meet regulatory conditions, also have to meet their contractual obligations to Qualifications Wales. In my view, this can only strengthen the ability of Qualifications Wales to ensure that qualifications are fit for purpose.

Recommendation C3

I agree that the relationship between the Curriculum Division of the Welsh Government and Qualifications Wales will be crucial. While I have confidence that my officials and Qualifications Wales will ensure that effective working relationships are established and maintained, I am also proposing a framework which will require Qualifications Wales to take into account Welsh Government policy and equally, Welsh Ministers will need to have regard to advice from Qualifications Wales. Operationally, a framework document, articulating the relationship between the Welsh Government and Qualifications Wales is under development.

Recommendation C4

The Welsh Government currently can accredit both vocational and academic qualifications – no differentiation is made between these in legislation. Qualifications Wales will have a similar power to approve qualifications (both academic and vocational). Given that Qualifications Wales will not be awarding its own qualifications, there will be less of a potential conflict of interest than is faced by SQA in relation to its own-brand vocational qualifications (which it both awards and approves) and which it mitigates by having a separate accreditation committee. Nevertheless, it is envisaged that Qualifications Wales will wish to establish its own committee structure to ensure that decisions are made with the appropriate separation of duties.

Recommendation C5

I welcome the Committee's view of the importance of ensuring that there is a strategic approach to IVET qualifications in Wales. Work is already in hand to develop some initial IVET qualifications in key sectors and the ability of Qualifications Wales to commission such developments will be a key tool in enabling such a strategy to come to fruition.

Recommendation C6

Similarly, the proposed commissioning powers will enable Qualifications Wales to address gaps in the market by commissioning awarding bodies to develop qualifications to fill any such gaps. The intention is that one of Qualifications Wales' principal aims will be to ensure that the qualifications system in Wales is efficient and effective. One measure of this will be to have suitable qualification coverage.

Recommendation C7

My officials are giving full consideration to the role that Qualifications Wales can play in apprenticeships. The Welsh Ministers already have the power under existing legislation to designate another body as the 'Issuing Authority' for apprenticeships. If I conclude that this is the role that Qualifications Wales should be given then no additional power is required.

Other Considerations

I am also grateful to the Committee for its helpful remarks in relation to additional considerations. I can assure the Committee that each of the matters raised is being given full consideration in the drafting of the Bill, in the preparation of the explanatory memorandum and in the development of the organisation.

Conclusion

I trust that the Committee will find this response helpful and be reassured that I am aware of the importance of ensuring a smooth transition both through the development of the proposed legislation to establish Qualifications Wales and through the operational arrangements. I look forward to bringing forward the proposed legislation this Assembly Term and to future engagement with the Committee.

Best Regards
Huw

Huw Lewis AC / AM

Y Gweinidog Addysg a Sgiliau
Minister for Education and Skills