

# National Assembly for Wales

## Children, Young People and Education Committee

### QW 01

## Qualifications Wales Bill

### Evidence from: WJEC

#### Introduction

The provisions of the Qualifications Wales Bill are generally welcomed by WJEC.

In particular, it is important (as indicated at section 6 of the Explanatory Memorandum) that the Bill “provides for the establishment of Qualifications Wales as an independent regulator for Wales”. Whilst recognising that the limitations referred to at section 49 of the Explanatory Memorandum have emerged during recent years, the lack of independence of the current regulatory arrangements has been a matter of concern since the functions of the former ACCAC were absorbed into the Welsh Government.

WJEC is one of the significant number of consultees referred to at section 19 of the Explanatory Memorandum who “expressed concern about combining the dual functions of regulating and awarding in one body”. We therefore agree with the prudence displayed in the proposed legislation, i.e. that “awarding functions are not included in this Bill” (section 20 of Explanatory Memorandum).

To the extent that WJEC has concerns about aspects of the Bill, these tend to relate to:

- some concepts and processes which could be better defined or communicated
- potential for conflict of interest
- potential to increase the costs which awarding bodies have to pass on to users of services
- uncertainty regarding the future of some important current grants.

#### **Section 3: Principal aims of Qualifications Wales**

The principal aims as set out at sections 3 (1) (a) and (b) seem appropriate, but it might be reasonable to add to the considerations at section 3 (2) so that the list includes one which relates explicitly to meeting the needs of learners.

#### **Section 5: Duty to set general recognition criteria**

It is essential that criteria for recognition are set and published, but in section 5 (2) any “different provision for different descriptions of awarding body” should be on the basis of different qualifications that different awarding bodies may choose to offer, otherwise there becomes a potential difficulty in terms of fair and equal treatment of different awarding bodies.

#### **Section 8: General recognition of an awarding body**

The provision at section 8 (3) for recognising an awarding body even if it does not meet all of the general recognition criteria would need to be exercised carefully in the context of section 8 (4) in order to treat all awarding bodies fairly and equally.

#### **Section 9: Qualification specific recognition of an awarding body**

Similar considerations as indicated above for general criteria also apply to the provision of section 9 (3).

## **Section 10: Power to make rules about applications for recognition**

Published rules relating to applications for recognition are essential, but it should be noted that a fee payable in respect of an application will, if sizable, be likely to have an impact on the charges which an awarding body makes on the users of its services.

## **Section 12: Recognition: interpretation**

The clarification provided at section 12 (3) [and at section 52 (4)] is helpful in that the “award of a qualification in Wales” is defined as “its award to persons assessed in respect of the qualification wholly or mainly in Wales”. In practice, for an individual learner, the assessment in respect of a qualification is usually located wholly or mainly at the geographical location of the organisation recognised by the awarding body as the “centre” (school / college / learning provider) through which that learner is entered for the qualification, and hence this provides a means of articulating this definition operationally. It is important that this definition proves to be sufficiently robust to prevent inappropriate entries for a qualification being made on behalf of individuals who should not really be eligible for the “award of a qualification in Wales”. It is also possible of course that some qualifications approved by Qualifications Wales will be of interest to learners outside Wales in jurisdictions where the qualification is acceptable from a regulatory perspective.

## **Section 13: Duty to prepare list of priority qualifications**

Whilst the operational objectives of section 14 (4) may well be relevant for some qualifications, care is needed in introducing the notion that “ensuring and maintaining public confidence in the qualification” is a greater priority for some qualifications than for others. Learners and stakeholders have the right to expect that confidence can be placed in all qualifications that are recognised by Qualifications Wales. Consideration should therefore be given to defining a priority qualification directly in terms of objective 14 (4) (a) rather than making distinctions based on the wider notion of confidence.

## **Sections 15-17: Restricted priority qualifications, with or without section 15 arrangements**

Although the Explanatory Memorandum (section 83) refers to the possibility of taking the system “from being supply-led, to demand-led” it should be noted that the focus of these sections is on providing a means of limiting the variety available on the supply side for what are classed as priority qualifications. This policy intent is already manifest in the Welsh Government’s current approach to reform of some GCSEs, and it would seem that the provisions of sections 15-17 do provide a more transparent means of achieving the goal of limiting the available supply. The provision at section 15 (2) for “payments to be made by Qualifications Wales in respect of its development” can be particularly important in the context of a qualification for which the level of take-up in Wales is likely to be too low to make it viable for an awarding body. Such non-viability could also relate to the delivery of assessment series, and it is presumed that the general provision to make grants (section 45) would permit Qualifications Wales to support the supply side in such cases.

## **Section 22: Conditions of approval**

Whilst it is prudent to allow for the possibility of changes to the conditions subsequent to a qualification being approved, this provision at section 22 (2) should be used sparingly. Also, for matters relating to timing in connection with the notice referred to at section 22 (5), account should be taken of the potential impact on learners who may already be pursuing studies relevant to the qualification. Wording similar to that at section 25 (6) (a) and section 27 (9) may be appropriate.

## **Section 24: Rules about applications for approval**

As for section 10, published rules relating to applications for recognition are essential, but it should be noted that a fee payable in respect of an application will, if sizable, be likely to have an impact on the charges which an awarding body makes on the users of its services.

## **Section 29: Restriction on funding and provision of certain courses**

The introduction at section 29 (3) of the phrase “Welsh version of the qualification” is not particularly helpful and seems to be unnecessary in the context of earlier sections being based on “qualifications approved by Qualifications Wales” as a more appropriate descriptor.

## **Section 40: Provision of services etc by Qualifications Wales**

The provision by Qualifications Wales on a commercial basis of consultancy and other services in connection with any of its functions or any other matter related to qualifications introduces significant potential for a conflict of interest. This is particularly so in situations where the scope of consultancy and other services has any possible interface with qualifications which are subsequently submitted for approval by Qualifications Wales. If the provisions of section 40 (1) are to be retained at all, there needs to be a clear reference to ensuring that the scope of such work is tested against potential current or future conflicts of interest.

## **Section 41: Review and research**

Section 41 (1) (b) seems to provide the basis for Qualifications Wales to engage with awarding organisations, including proactively, on matters relating to the awarding of qualifications. This provision is therefore fundamental in relation to setting and maintaining standards of awards for the qualifications approved by Qualifications Wales.

## **Section 45: Grants**

The general provision to make grants is important and it should be noted that a current grant (made by the Welsh Government and previously by ACCAC) is that which makes a contribution to supporting the additional costs incurred by an awarding organisation in meeting the bilingual requirements of assessment in Wales. The absence of such a grant would have an impact on the charges which an awarding body makes on the users of its services. In order to safeguard the interests of stakeholders, consideration should be given to identifying this area of grant making explicitly within the bill.