

National Assembly for Wales
Children, Young People and Education Committee
QW 08
Qualifications Wales Bill
Evidence from : National Union of Students

Consultation questions

The Explanatory Memorandum prepared by the Welsh Government describes the Bill's main purposes in the following terms:

The Bill provides for the establishment of Qualifications Wales as the independent regulatory body responsible for the recognition of awarding bodies and the review and approval of non-degree qualifications in Wales. Qualifications Wales will also, along with the Welsh Ministers, be responsible for preparing a list of priority qualifications, designated as such by reason of the significance of the qualification, having regard to the needs of learners and employers in Wales. The intention is, through the establishment of Qualifications Wales, to strengthen the oversight of qualifications and of the qualification system in Wales.

The Bill is intended to address the four main limitations of the current system. These are outlined in the Explanatory Memorandum as:

- there is no single organisation that is dedicated to ensuring the effectiveness of qualifications and the qualification system;
- there are no powers to prioritise qualifications and to thereby focus regulatory activity where it is most needed – with the result that there are large numbers of regulated qualifications but limited resources to ensure effectiveness;
- there are no powers to select a single provider of a given qualification to ensure that learners across Wales take the same qualification; and
- the capacity to drive forward the strategic development of

qualifications within the current arrangements is too limited – creating a risk that Wales’ qualifications will not be held in as high esteem, nationally and internationally, as those in other nations.

The Bill provides Qualifications Wales with the following principal aims, and it must act compatibly with these when exercising its functions:

- a) Ensuring that qualifications, and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales; and
- b) Promoting public confidence in qualifications and in the Welsh qualification system.

Question 1 – Is there a need for a Bill for the purposes outlined above?

There is indeed a need for a Bill for the purposes outlined above. It is particularly concerning that, as the memorandum suggests, “there are no powers to select a single provider of qualification to ensure that learners across Wales take the same qualification”. This means that there is a limited consistency in qualifications for Welsh pupils and students, and it is vital that this is addressed.

The Independent Review into Higher Education Funding and Student Finance Arrangements asks whether or not the current university system is geared towards the skills needs of Wales. At present, it is not clear what the Welsh Government or National Assembly for Wales consider to actually be the skills needs of Wales. Policy-makers must answer this questions soon, and the Bill must include provisions to address this.

Far greater link up between enterprise zones and the city regions, alongside universities and colleges, will be one way to address this. Each enterprise zone was designed to have a different expertise, but are these specialisms ones that are comprehensively catered for in the existing set-up? We would argue no, or there would not necessarily be a need for the enterprise zones.

The City Regions are designed to boost the economy in their respective areas. Both boards are made up of leaders from government, councils, and the private and third sectors. We believe that students have to be represented on these boards as well, to ensure a transition from academic life of whatever background to work. We would call on the Welsh Government to consider this alongside the Bill.

If you believe there is a need for the Bill, what are the main issues that need to be resolved?

Alongside our concerns that politicians have not yet decided what skill base they want Wales to have, there are a number of other issues that must be resolved. There is a vast difference between gaining an education and earning a qualification. A qualification is designed to ensure that pupils and students have the best possible chance for employment. It is absolutely essential that any qualification introduced to Wales – as well as the existing ones – are as rigorous as possible to ensure the best possible chance for employment.

NUS Wales is concerned that the Welsh Baccalaureate is not seen as being as credible, and therefore as employable, as UK-wide qualifications. This guide from [Which?](#) indicates that not all universities accept it as a qualification. The article is two years old, so we would hope that the Welsh Government will assess the UK-wide view of the system prior to introducing any new qualifications. There is also the following study from 2013, which suggests the Welsh Bacc may [artificially inflate](#) student's attainment. We do welcome the introduction of the Welsh Bacc and any future Welsh-specific qualification, providing that policy-makers have a clear rationale in place for their introduction. Strengthening the regulations surrounding qualifications will enable Wales to promote its students and graduates across the world.

NUS Wales does not wish to see both the regulatory and awarding body as one organisation. A far more efficient, robust and integrity-

driven system would be to have two separate organisations, one for the regulation of qualifications and one for the awarding of such. We are aware that paragraph 8 of the Explanatory Memorandum indicates that an awarding function will not be in place at this time, and we hope that it will be removed entirely.

How significant is this issue? (Please select one option)

<i>1 - This is a key, urgent problem.</i>	Yes
<i>2 - This is a problem that needs to be addressed.</i>	
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	

Question 2 – Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum?

Yes. The Bill, as drafted, meets the objectives and addresses the four limitations outlined in the Explanatory Memorandum. These areas can still be strengthened.

If not, how do you think the Bill should be amended to take account of this?

How significant is this issue? (Please select one option)

<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	

Question 3 – Are the sections of the Bill as drafted appropriate to bring about the purposes described above?

Yes. The first three sections of the Bill appear to tackle the existing limitations, with later sections addressing the remainder. These sections appear to meet requirements but, as we have already stated, that should not be a cause for complacency. There are still plenty of areas that can be strengthened to ensure that any remaining limitations within the current system are tackled.

The existing limitations refer to the four limitations outlined in the Explanatory Memorandum: that there is no single provider and oversight for qualifications in Wales; that there is no way to prioritise qualifications; that there are no powers to select a single provider of a qualification for consistency across Wales and; that a lack of strategic capacity may result in Welsh qualifications not being seen as highly as others across the UK.

Our concerns regarding remaining limitations in the system will be tackled later on, but largely relate to the current lack of a lead on the skills needs of Wales.

If not, what changes do you believe need to be made to the Bill?

How significant is this issue? (Please select one option)

1 - This is a key, urgent problem.

2 - This is a problem that needs to be addressed.

3 - This is a minor problem

4 - Not a problem.

Question 4 – Has the Welsh Government correctly identified the four main limitations of the current arrangement, and will the two principal aims the Bill sets for Qualifications Wales, as well as the eight matters which it must have regard when exercising its functions, effectively address these limitations?

The Welsh Government has indeed identified four of the main issues within the current system, but this does not mean that the current system is faced with only four limitations.

One of NUS Wales' main areas for concern is actually the fourth limitation; that a lack of strategic capacity could result in Wales' qualifications not being regarded as reputable as other qualifications in the UK. If that risk ever becomes realised, it could have catastrophic results for Wales. Students and pupils will be urged to take these qualifications which are not regarded in the same light as others. Employers will be hesitant to employ people with these qualifications compared to their counterparts, and will potentially stop investing in Wales. The lack of strategic capacity is therefore extremely alarming, and we fully endorse the Welsh Government's actions to tackle this.

But we do believe that there is a broader issue that has to be considered as a limitation of the current system, and we have outlined this in Question 1. The Review of Higher Education Funding and Student Finance Arrangements is currently asking whether the skill needs for Wales are being correctly addressed in the existing HE provision. This leads to two questions facing any future Qualifications Wales body. Firstly, is the current FE system adequately meeting the skills needs of Wales for HE to build upon? The limitations outlined by the Bill would suggest otherwise. The second question, that has to be answered before any broad qualifications are put in place, is what are the skills needs of Wales?

If you believe there are problems in this area, how do you think they could be resolved?

How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
Question 5 – What are your views on the proposals for determining ‘priority qualifications’ and, within these, ‘restricted priority qualifications’?	
<p>We agree with and welcome the rationale behind Priority Qualifications. According to the Explanatory Memorandum for the Bill, the Priority Qualifications list would enable Welsh Ministers to “focus public resources on qualifications that are particularly significant”. It is important, as we have already demonstrated, that there is consistency for all students and pupils across Wales in the delivery of qualifications. A Priority Qualifications List would enable that to happen.</p> <p>We would like to see further information on how this list will be decided. The Explanatory Memorandum states that “...Qualifications Wales and the Welsh Ministers must be satisfied that public confidence in it [the qualification] is a priority, because the qualification is particularly significant to the needs of learners and/or employers in Wales”. We would like to see a formalised process where teaching unions, employers, student representatives and the like can help decide these qualifications.</p> <p>We believe that Qualifications should have a student representative on their Board.</p> <p>The Restricted Priority Qualification List follows on from the Priority Qualification List, and we also agree with this. However, we again would like to see a formalised process for interested parties to feed in.</p>	

If you think there are problems in this area, how do you think they could be resolved?

Our major concern in this area will be how Qualifications Wales arrive at their decision for which qualifications will be added to the list. The Explanatory Memorandum states, as used above, that the qualification will be “particularly significant to the needs of learners and/or employers in Wales”. NUS Wales has reservations about the “and/or” determination. Qualifications should be considered significant to both learners and employers in Wales. If a qualification is only relevant to learners and not to employers, the potential for employment from it will be limited when compared to other qualifications in the UK (and precisely why the fourth limitation has been identified by the Welsh Government). On the other hand, a qualification that is deemed to be significant to the needs of employers and not to learners is one that will be very challenging to sell to learners. We hope that the “and/or” designation will be removed; a qualification that is developed and listed in partnership with learners and employers will be the most effective ones.

This then feeds into our concerns and resolutions for the Priority Qualifications List as a whole. Naturally, Qualifications Wales and the Welsh Ministers should have the ability to decide which qualifications are best suited for Wales. But this cannot be decided in isolation – there has to be an open and formalised process where stakeholders can influence which qualifications are prioritised.

How significant is this issue? (Please select one option)

1 - This is a key, urgent problem.

2 - This is a problem that needs to be addressed.

3 - This is a minor problem

4 - Not a problem.

Yes

Question 6 – What are your views on the commissioning type process Qualifications Wales would undertake under the Bill, in respect of

restricted priority qualifications?	
<p>Presumably, this relates to paragraph 79 in the Explanatory Memorandum. NUS Wales agrees with the principle behind this – that Qualifications Wales is given the power to ask an awarding body to develop a restricted priority qualification, with a view to implementing and approving that qualification. It is imperative that Qualifications Wales is not committed to implementing that qualification, but also that awarding bodies do not end up wasting valuable time on such commissioning work. Again, this must be done in partnership with both students and employers to ensure that any qualifications meet both of their needs.</p>	
If you believe there are problems in this area, how do you think they could be resolved?	
This has been answered above – student and employer engagement.	
How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
Question 7 – How will the Bill change what organisations do currently and what impact will such changes have, if any?	
N/A	
If you believe there are problems in this area, how do you think they could be resolved?	
How significant is this issue? (Please select one option)	

<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
Question 8 – What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?	
The main difficulty will be the likely transfer of staff from the existing format to the new one. This appears to have been appropriately handled within the Bill itself.	
If you believe there are problems in this area, how do you think they could be resolved?	
How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
Question 9 – Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?	
NUS Wales believes that the Bill would fall within the legislative competence of the National Assembly for Wales.	
Question 10 – What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?	
In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.	

We believe the powers to make subordinate legislation in the Bill are appropriate. We particularly believe that the use of affirmative procedure is appropriate in all of the cases listed, and hope that they will remain so.

Question 11 – What are your views on the financial implications of the Bill?

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

We agree with the Welsh Government that Option 3 is the best one for this particular circumstance. The limitations that have been outlined previously are concerning, and the options of simply doing nothing or having a piecemeal approach will be regressive in the long run. Option 3, to establish an arms-length body, is therefore extremely appropriate.

We are concerned about the initial costs. The IFS has [highlighted](#) that the Welsh block grant is likely to start increasing in 2017/18 or so, although it will not reach pre-recession levels until 2022-23. The initial start-up cost of £9m may therefore have an impact upon the existing education budget. We would like clarity for where this money is going to be coming from as soon as possible.

The Higher Education Bill may very well be changed, dependent upon the recommendations made by the Review of Higher Education Funding and Student Finance Arrangements. It is imperative that the costing for the Qualifications Wales Bill, and the provisions broadly, are examined as closely as possible to ensure that there won't have to be a sudden increase in funding in the years to come.

Question 12 – Are there any other comments you wish to make about specific sections of the Bill?

We are satisfied with the sections of the Bill, as drafted and tabled.