

**National Assembly for Wales**  
**Children, Young People and Education Committee**  
**QW 23**  
**Qualifications Wales Bill**  
**Evidence from : Cardiff Council**

**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?

The impact of devolved government and Wales having the authority to develop its own distinctive education system have created a direction of travel for Qualifications in Wales that is increasingly different to that in England. In Westminster political decisions have been shaping the direction of development of qualifications in England not always in ways that are compatible with Welsh Government policy. It seems inevitable therefore that Welsh Government would want to assume control over this area of policy.

For some time there has been concern over the vast array of approved qualifications, particularly in vocational areas, and to have a Welsh regulatory body take responsibility for simplifying the range for Wales makes eminent sense.

At this time and in the context of current Welsh Education Policy there is a need for this Bill.

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

The independence of Quals Wales from direct political pressure / influence is critical. The development of a suite of high quality and fit for purpose qualifications should be a cross-party issue that rises above and is independent of the government of the day. That such quals. have high esteem across the UK and are comparable as passports to progression to HE with quals from other parts of the UK has to be absolutely guaranteed. At no time can learners in Wales be disadvantaged by only having access to a constrained selection of qualifications. The research function attached to Quals Wales will be key in providing impartial, high quality evidence upon which to base decisions.

As the world is a constantly changing environment there is a need to ensure that a priority list or restricted priority list does not become fossilised and outdated. There needs to be the scope for innovation in qualifications and forms of assessment. This exists in the current competitive quals. market and Welsh Quals must remain at the forefront of best practice, setting out the parameters for a high quality experience for learners that is relevant and prepares them for the next stage in their progression in education, training or employment however this may look in the future.

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.*

XXX

*3 - This is a minor problem*

*4 - Not a problem.*

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

Yes.

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)

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

Yes

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?

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

4 limitations:

The four limitations are fine but implicit in these is the need to de-couple Welsh regulation from English / joint regulation. While the joint approach exists it will always create a limitation on developing appropriate quals for Wales. This LA has experience of where quals designed to meet the specific needs of learners in Wales have been stalled by the economics of Awarding Bodies in England to the detriment of Welsh learners and schools. Should this 5<sup>th</sup> limitation of the current system be made explicit?

2 principal aims:

“Promoting public confidence in qualifications and in the Welsh qualification system.”

This is easily stated but the problem is about “brand”. The public are very slow to adapt to new suites of quals and to understand what they are. Education history is littered with the wrecks of one year post-16 vocational quals that never managed to survive. Developing the Welsh brand is critical. If, for example, BTECs do not appear under their brand in the new order, what label will be given to WJEC vocational courses for 14–19 year olds that will become quickly recognisable in Wales and valued. The challenge of modifying public perception and understanding should not be underestimated – many still talk in the currency of “O” levels even though they died out decades ago.

8 matters:

Fine.	
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>	XXXX
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
<b>Question 5</b> – What are your views on the proposals for determining ‘priority qualifications’ and, within these, ‘restricted priority qualifications’?	
<p>Acceptable but to be developed with caution. There needs to be the flexibility to respond to change in the system and bring on new non-priority quals. where these reflect an emerging shift in the demand for certain types of quals.</p> <p>The issue with the “restricted priority” list is the impact on innovative pedagogy for delivery. One of the delights in times past was the ability to develop quite radically different specs. that delivered on the same set of knowledge and skills but through different delivery vehicles and pedagogical methods. The need to retain innovation and excitement in the system is important if sterility is to be avoided.</p>	
If you think there are problems in this area, how do you think they could be resolved?	
<p>One reason for developing different specs for a given subject was to respond to the differing needs of learners and the communities they come from – one cap does not always best fit all. So a restricted priority of 1 whilst providing consistency and uniformity across Wales may not be sufficiently responsive to all types of learners, ie some may be disadvantaged by the single approach. Unless, of course, some flexibility of approach can be built into the design of a qual.</p>	

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<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	XXXX
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
<b>Question 6</b> – What are your views on the commissioning type process Qualifications Wales would undertake under the Bill, in respect of restricted priority qualifications?	
Content with the process – again just anxious about the restriction if it is consistently reduced to 1 (as above).	
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>	X
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
<b>Question 7</b> – How will the Bill change what organisations do currently and what impact will such changes have, if any?	
From the perspective of an LA and its secondary schools it will be business as usual but with less diversity of quals from which to choose. If the core (Eng., Maths., Science) all becomes restricted priority to 1 and there is no capacity for parallel specs. aimed at different types of learners there may be a risk of dis-engagement among some learners. Whilst equity of offer is an important principle the ability to offer a differentiated curriculum in Key Stage 4 is also important.	

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

As above and Q.5

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.*

xx

*3 - This is a minor problem*

*4 - Not a problem.*

**Question 8** – What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

Brand management and public perception and confidence. A number of Awarding Bodies have worked hard to develop recognisable high street brands of quals that are understood and have currency in the minds of the public.

Beyond this remain the challenges of Managing Change and developing very smooth operational practices within Quals Wales to implement the provisions of the Bill.

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

Sustained campaigns (TV, radio, press, on-line) to stamp clearly into the mind of the public the types, nature and value of Welsh Quals. For example, there are still a number of schools and parent / student communities across our region who remain unconvinced of the value of the WBQ despite much effort in publicising it. This illustrates the challenge faced by WG and Quals Wales if they are to market a full suite of Wales only Quals.



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>	XX
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
<b>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?</b>	
No.	
<b>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)?</b>	
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.	
<p>There is some anxiety around the powers of the Minister to set minimum requirements for quals. – section 21 (4). This opens up the possibility for direct Ministerial intervention in the design of quals which could result in a political shaping of quals. given that the regulation refers to knowledge, skills or understanding. Whilst any instrument would need to be laid before the Assembly (see section 50 (2) (a) ), if a government had a clear majority a smooth passage might be a given. There is a reference in Section 21 (4) to consult with Quads. Wales and “other persons (if any)”. The potential absence of any wider consultation on a regulation which may have a direct and significant impact on the content of a qualification is concerning.</p> <p>Consideration should be given to defining more precisely the limits of a “minimum requirement” and to compel a Minister to consult more widely on the implications of such direction.</p>	

**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.

No specific views to express.

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

Maintaining the independence of Quals. Wales is an important issue. There is scope for the Minister to direct Quals Wales and to step in directly via “minimum requirements” as indicated above. Are there sufficient safeguards in this Bill to protect the reputation of Quals Wales and thereby the trust in Welsh qualifications from the potential of direct political intervention in matters (ie qualifications) which should be settled dispassionately and seen to be above politics by the whole of the Welsh populace and others beyond our borders. It is about achieving the correct balance in matters of governance over the qualifications that will be followed by young people 14–19 in Wales.