

National Assembly for Wales
Children, Young People and Education
Committee

Pre-legislative scrutiny of the
proposed Qualifications Wales Bill

July 2014



Cynulliad
Cenedlaethol
Cymru

National
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Wales

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Children, Young People and Education Committee

The Committee was established on 22 June 2011 with a remit to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing: the education, health and wellbeing of the children and young people of Wales, including their social care.

On 22 January 2014, the Assembly agreed to alter the remit of the Committee to include Higher Education. This subject will continue to be included in the remit of the Enterprise and Business Committee, with both committees looking at Higher Education from their particular perspectives. The Committee was previously known as the Children and Young People Committee.

Current Committee membership



Ann Jones (Chair)
Welsh Labour
Vale of Clwyd



Angela Burns
Welsh Conservatives
Carmarthen West and South
Pembrokeshire



Keith Davies
Welsh Labour
Llanelli



Suzy Davies
Welsh Conservatives
South Wales West



Rebecca Evans
Welsh Labour
Mid and West Wales



Bethan Jenkins
Plaid Cymru
South Wales West



Lynne Neagle
Welsh Labour
Torfaen



David Rees
Welsh Labour
Aberavon



Aled Roberts
Welsh Liberal Democrats
North Wales



Simon Thomas
Plaid Cymru
Mid and West Wales

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The Committee's Key Conclusions and Recommendations

The Committee's recommendations to the Welsh Government are listed below. They are listed in the order that they appear in the report - please refer to the relevant pages of the report to see the supporting evidence. The recommendations have been categorised into the following three groups:

Recommendation Group A – the Committee's main recommendation to establish Qualifications Wales as a regulating body only.

Recommendation Group B – recommendations that should be considered whether the Bill establishes Qualifications Wales as a regulating body only or contains wider provisions.

Recommendation Group C – recommendations that should be considered only if the Committee's main recommendation in Group A is not accepted, and the Bill contains both regulatory and awarding functions.

The Committee acknowledges that Recommendation A1 will, if accepted, have a significant effect on the proposals being brought forward by the Welsh Government. It would, however, retain the 'two stage' approach currently envisaged.

If, however, the Welsh Government does not accept recommendation A1, and continues with a single Bill covering elements of both regulation and awarding, the Committee believes that there needs to be considerable thought given to the provisions within the Bill.

If recommendation A1 is accepted, the recommendations in Group B would need to be considered, but not those in Group C. If recommendation A1 is not accepted, the recommendations in both Group B and Group C would need to be considered.

The Committee also considered a number of other issues on which it has formed a view but has not made a formal recommendation. These other issues are highlighted later in the report.

Recommendation Group A

Recommendation A1. The Qualifications Wales Bill should be limited to establishing Qualifications Wales as a regulating body only. Future changes to its remit, including its role as an awarding body, should be brought forward in a subsequent Bill, following full consideration of matters identified in relevant reviews, and once there is sufficient clarity on the awarding process. (Page 13)

Recommendation Group B

Recommendation B1. The Bill must provide for the operational independence of Qualifications Wales to enable it to work successfully, and to ensure public confidence in its work. (Page 15)

Recommendation B2. The Welsh Government should fully consider the risk that time and resources spent on establishing Qualifications Wales may detract from the developmental work following Huw Evans' Review, and should ensure that this wider developmental work is not affected. (Page 16)

Recommendation B3. The Welsh Government should prepare a detailed staff recruitment plan, with rigorous safeguards, to ensure the timely recruitment and transfer of staff. (Page 16)

Recommendation B4. Qualifications Wales should be provided with wide and flexible regulatory powers to ensure that the body is enabled by legislation to regulate the delivery of any qualification in Wales. The aim of those regulatory powers should be set out clearly on the face of the Bill. (Page 16)

Recommendation Group C (only if Group A is not accepted)

Recommendation C1. The Welsh Government should carefully consider how academic qualifications should be quality assured and regulated. The Qualifications Wales Bill should make specific and appropriate provision for this. (Page 18)

Recommendation C2. The relationship between Welsh Government and Qualifications Wales, together with awarding bodies, must be clear. The new model for awarding academic qualifications must provide clarity about the roles of the organisations involved. (Page 19)

Recommendation C3. The Welsh Government should develop a strategy to ensure the relationship and interface between qualifications and the curriculum is effectively managed and transparent. (Page 20)

Recommendation C4. The Welsh Government should make provision within the Bill to enable Qualifications Wales to take an approach for accrediting vocational qualifications based on the model in SQA. (Page 21)

Recommendation C5. The Welsh Government should explore opportunities for Qualifications Wales to adopt a more strategic approach to IVETs, unique to Wales and within the 14-19 agenda, and make appropriate provision for this within the Bill. (Page 22)

Recommendation C6. The Bill and/or associated guidance should make provision for circumstances for intervention where an important vocational qualification was unavailable in Wales. (Page 23)

Recommendation C7. The Bill should make provision for Qualifications Wales to have a leading and strategic role in relation to apprenticeship qualifications in Wales. (Page 24)

Introduction

1. On 29 January 2014, the Children, Young People and Education Committee received a technical briefing from Welsh Government officials on the forthcoming Welsh Government Bill (the Bill) to establish Qualifications Wales. The technical briefing provided the Committee with early notice of what the Bill was likely to contain, but opened questions in numerous areas, including how the proposed model compared to that in Scotland – on which the Welsh Government had based much of the detail of its proposals.

2. Although a date had not been agreed for introduction of the Bill, the likely date for introduction was expected to be November/December 2014. In advance of the Bill's introduction therefore, the Committee proposed to undertake a short and focussed inquiry to scrutinise the Welsh Government's emerging proposals at this pre-legislative stage.

Method of inquiry

Pre-legislative scrutiny: Terms of Reference

3. The approach to the pre-legislative scrutiny inquiry was agreed in Committee on 5 March 2014. The agreed Terms of Reference are to consider:

- the proposed vision and remit for Qualifications Wales as an effective organisational model;
- what good practice can be adopted from other countries on separating the roles of exam regulator and awarding organisation within one body;
- whether the proposed relationships between Qualifications Wales, awarding organisations including the WJEC in the short term and the Welsh Government, will work effectively; and
- what the impact will be of Qualifications Wales on the accreditation of vocational qualifications (including apprenticeships).

4. In undertaking the inquiry, the Committee also agreed to focus on models elsewhere, undertaking 'fact finding' visits to Quality and Qualifications Ireland (QQI)¹ and the Scottish Qualifications Authority (SQA)² to explore how the qualifications systems operate in those two countries.

¹ Committee visit to QQI: Thursday 1 May 2014

5. In addition, at a meeting on 7 May 2014,³ the Committee took oral evidence from:

- Huw Evans, Chair of the Review of 14 to 19 Qualifications in Wales and Chair of the Qualifications Wales Advisory Board;
- Welsh Joint Education Committee (WJEC); and
- National Training Federation for Wales (NTfW).

² Committee visit to SQA: Thursday 1 May 2014

³ [Record of Proceedings](#)

Background to the proposed legislation

The Review of Qualifications for 14 to 19-year-olds in Wales

6. In September 2011, an independent Review of Qualifications for 14 to 19-year-olds in Wales⁴ (the Review) was commissioned to consider how the Welsh Government could achieve a “vision of qualifications that were understood and valued and would meet the needs of our young people and the Welsh economy”. The Review was prompted by a number of concerns about the complexity of the current system and the extent to which it is understood, and the relevance, value and rigour of some qualifications.

7. The Review reported in November 2012, and one of the key recommendations made was that:

“The Welsh Government should establish a single body (Qualifications Wales) that is responsible for the regulation and quality assurance of all non-degree level qualifications available in Wales. In time, Qualifications Wales should take responsibility for developing and awarding most qualifications for learners at 14 to 16. For learners post-16, Qualifications Wales should develop and award most general qualifications and should also regulate qualifications from other awarding organisations. The Welsh Government and Qualifications Wales should work together to shape the national qualifications system for Wales and to rationalise and strengthen the processes for regulation and continuous improvement, learning from the model in operation in Scotland.”⁵

8. The Welsh Government has accepted the recommendation, and proposes to bring forward a Bill to establish Qualifications Wales. The Welsh Government has said that the purpose of the Qualifications Wales Bill is to:

- establish a single body to be responsible for the regulation and quality assurance of non-degree qualifications in Wales and remove the current regulatory responsibility for qualifications from Ministers; and
- in due course, for a single body to be responsible for the development and awarding of most general qualifications in Wales, with responsibility for awarding most qualifications for 14 to 16-year-olds as well as A levels and the Welsh Baccalaureate.

⁴ [The Review of Qualifications for 14 to 19-year-olds in Wales](#)

⁵ Ibid

9. A consultation outlining the proposals for the Bill was held between 1 October and 20 December 2013.⁶ On 2 June 2014, the Minister for Education and Skills issued a statement announcing the publication of a summary of the consultation responses.⁷

⁶ [Our Qualifications - Our Future: Consultation on proposals to establish a new qualifications body for Wales](#)

⁷ [Written Statement - Qualifications \(Wales\) Bill Consultation and Engagement Activity – Summary of Responses](#)

Key Issues for the Qualifications Wales Bill

Recommendation Group A

The evolutionary approach for Qualifications Wales

10. The Welsh Government's vision for Qualifications Wales is set out in two stages. The first stage will be to establish Qualifications Wales and transfer to it regulatory functions from the Welsh Government. The second stage will be, in due course, to widen the remit of Qualifications Wales to include awarding functions. However, the Welsh Government has said that, in practice, Qualifications Wales' awarding activities will not be the same as those traditionally held by an awarding body. It has proposed a commissioning model, whereby awarding organisations such as the WJEC would be commissioned by Qualifications Wales to deliver the qualifications.

11. The indication is that the Qualifications Wales (Wales) Bill will be the primary legislation which will allow for the initial stage of establishing the new body with regulatory functions, and subsequently adding awarding functions to its remit. Although this second stage would be enacted "in due course", the Committee's understanding is that the proposed Bill would include provisions relating to both stages.

12. There is the prospect of a potential third stage which may in the future see Qualifications Wales become a fully fledged awarding body, as originally recommended by Huw Evans' Review.⁸ The Committee heard from Mr Evans that this remains his long-term preference and that in light of the determination of the WJEC to retain its independence and the potential for legal challenge, the present proposal was "reluctantly accepted" by the Qualifications Wales Advisory Board. The Minister for Education and Skills, in a statement on 2 June 2014 said:

"In the longer term, I remain convinced of the merits of one single body for Wales, but this will be a consideration for the future."⁹

13. The Bill is being brought forward at a time of considerable review and change within the sector, which is likely to have an effect on the way in which Qualifications Wales, awarding bodies, and providers of higher education operate in both the near future and longer term. This includes the on-going curriculum and assessment review, which is being undertaken in

⁸ [The Review of Qualifications for 14 to 19-year-olds in Wales](#)

⁹ [Written Statement - Qualifications \(Wales\) Bill Consultation and Engagement Activity – Summary of Responses](#)

two phases. The outcome of this will have a significant bearing on the work of Qualifications Wales. The Committee heard evidence emphasising the importance of closely aligning qualification and curriculum reform and arguments that the two must be sufficiently developed in tandem.

Committee's view

14. The inclusion of provisions in the Bill for Qualification Wales' future remit in respect of awarding functions would be more appropriately considered after the outcome of the on-going curriculum and assessment review and following further work on how the awarding process will operate. The Committee is unconvinced that there is yet sufficient clarity in terms of how the proposed commissioning model will work in practice and the responsibilities of the respective organisations involved.

15. The Committee feels the Welsh Government will not have sufficient time to fully consider the issues relating to Qualification Wales' wider remit, and that a greater reliance on secondary legislation would be necessary. The Committee is concerned about how the Bill will be able to account, and make provision, for such an evolving approach to the remit and responsibilities of Qualifications Wales.

16. It is vital that the process for establishing Qualifications Wales is managed in the most effective manner, and must result in an organisation that is robust and has a clear and well defined purpose.

17. The Committee believes that this would be best achieved if the Welsh Government initially brings forward a Bill that establishes Qualification Wales as a regulating body only. The full range of Qualifications Wales' role and functions, including its functions as an awarding body, should be brought forward in a future Bill following completion of reviews, after full consideration of all of the relevant issues, and once there is sufficient clarity about how the awarding process is to work in practice.

Recommendation A1: The Qualifications Wales Bill should be limited only to establishing Qualifications Wales as a regulating body. Future changes to its remit, including its role as an awarding body, should be brought forward in a subsequent Bill following full consideration of matters identified in relevant reviews, and once there is sufficient clarity on the awarding process.

18. The Committee acknowledges that Recommendation A1 will, if accepted, have a significant effect on the proposals being brought forward by the Welsh Government. It would, however, retain the 'two stage' approach

currently envisaged. The second stage of adding awarding functions to Qualifications Wales' remit would instead be introduced by separate primary legislation, rather than potentially by subordinate legislative powers provided to Ministers by this Bill.

19. If, however, the Welsh Government considers it appropriate to continue with a single Bill covering elements of both regulation and awarding, the Committee believes that there needs to be considerable thought given to the provisions within the Bill, what this would mean in both the short and longer terms, and the best way to future proof the legislation.

20. Many of the specific issues and recommendations which follow in the report are made on the basis of the Welsh Government bringing forward a single Bill incorporating both regulatory and awarding functions. The Committee is, however, clear in its view that this is not its preferred option.

Recommendation Group B

Governance arrangements and operational independence of Qualifications Wales

21. One of the drivers for the establishment of Qualifications Wales is to achieve the removal of the current regulatory responsibilities for qualifications from Welsh Government Ministers.

22. The message from both Ireland and Scotland was that, whilst qualifications authorities may be financially dependent on government funding and ultimately accountable to Ministers, what is of upmost importance is their operational independence.

23. Both QQI and SQA stressed the desirability of regulation and quality assurance being undertaken outside of government, with the QQI in particular explaining that, whilst it relied upon Irish Government funding, its operational independence was key.

24. Commenting on her relationship with the Scottish Cabinet Secretary, Dr Janet Brown, Chief Executive of SQA, remarked that he had recognised the long-term benefits of SQA being resistant to any short-term political pressure that governments may be tempted to apply.

Committee's view

25. The Committee believes that while Qualifications Wales will be financially dependent on the Welsh Government, to ensure the success of the

body, it must operate independently of Welsh Ministers. This independence is also vital to ensure public confidence in the work of Qualifications Wales.

Recommendation B1: The Bill must provide for the operational independence of Qualifications Wales to enable it to work successfully, and to ensure public confidence in its work.

Potential loss of momentum whilst managing structural change

26. The proposals for the establishment of Qualifications Wales, are being developed at a time where there is detailed and complex work underway to implement the recommendations set out elsewhere in the Review of Qualifications for 14 to 19-year-olds on Wales, which Huw Evans confirmed would be implemented, in the main, by 2017.

27. The WJEC noted that the current changes being made to general qualifications represent the biggest Wales specific reform ever in this field, and the Committee is concerned that work to establish Qualifications Wales should not detract from the work to implement other changes to qualifications.

28. During discussions, QQI highlighted issues it had experienced whilst managing its own structural change. QQI warned that establishing the new organisation and amalgamating the other bodies diverted energy and time away from much of its work on developing qualifications in Ireland.

29. A connected issue that emerged during the technical briefing provided by Welsh Government officials on 29 January 2014 was the staffing implications from the transfer of regulatory responsibilities to Qualifications Wales. Should the Bill be passed, the timescales for implementation will be tight, and Qualifications Wales must effectively 'hit the ground running'. Potential issues that may arise from either transferring staff to the new organisation, or from the recruitment of new staff, pose a real risk to the implementation of the legislation.

Committee's view

30. The Committee is concerned that the work to establish Qualifications Wales is taking place at the same time as the major changes to qualifications as detailed in Huw Evans' review. As a result there may be potential implications for Wales that need to be carefully managed.

31. The Committee also believes that to minimise the risk to the implementation of the Bill, it is vital that the Welsh Government manages the

process for staffing Qualifications Wales effectively, and in a timely manner to ensure that it has the appropriate staffing resources to undertake its functions from the outset.

Recommendation B2: The Welsh Government should fully consider the risk that time and resources spent on establishing Qualifications Wales may detract from the work on new and revised qualifications and should ensure that this wider developmental work is not affected.

Recommendation B3: The Welsh Government should prepare a detailed staff recruitment plan, with rigorous safeguards, to ensure the timely recruitment and transfer of staff to Qualifications Wales.

Scope of regulatory powers

32. A key message the Committee received from Scotland was the need for legislation to enable Qualifications Wales to regulate all qualifications that it views necessary.

33. The Committee heard that SQA had become frustrated that it was limited by what is set out in the relevant legislation. SQA Accreditation can only regulate SVQs and not other vocational qualifications, the providers of which opt not to be accredited by SQA. SQA advised that it would be beneficial for Wales for the legislation to give Qualifications Wales the widest possible regulatory functions in respect of vocational qualifications.

Committee's view

34. The Committee acknowledges the frustrations faced by SQA at the limits placed on its regulatory powers by existing legislation in Scotland, and is concerned that Wales learns lessons from this. The Committee accepts, however, that this issue may not be pertinent if all publicly funded vocational qualifications were to require Qualifications Wales approval, as highlighted by the Committee in its considerations.

Recommendation B4: The Bill should be drafted to provide Qualifications Wales with wide and flexible regulatory powers to ensure that the body is enabled by legislation to regulate the delivery of any qualification in Wales.

Recommendation Group C

Regulation and quality assurance of academic qualifications

35. One of the most significant points to emerge from the meeting with SQA was the absence in the Education Act (Scotland) 1996 of any provision for definition of ‘regulation’ in respect of academic qualifications.

36. Whilst there is a legal requirement for Scottish Vocational Qualifications (SVQs) to be accredited, which includes regulation and quality assurance by the SQA Accreditation section, the same level of legal safeguards are not in place for regulation of the school-based qualifications. Similarly, there is no requirement for academic qualifications to be ‘accredited’ by SQA Accreditation, although they are ‘validated’ by the SQA Awarding function itself.

37. The argument put forward by SQA was that quality assurance and regulation are built in to the awarding activities of SQA and the very essence of the organisation. However, SQA did say that, if legislation was being made now, it would be preferable to explicitly make provisions for regulation of academic qualifications, although this would still be carried out by the awarding function, which would remain self-regulating.

38. In written evidence, Huw Evans noted that in countries such as Scotland, Ireland and Denmark:

“There [is] a high level of trust with built in quality assurance as opposed to regulatory powers. Over reliance is seen as a UK/England approach to managing complexity and variable standards within the qualifications market. Historically, Wales has been part of this process as it has been so closely aligned.”¹⁰

39. In oral evidence, Mr Evans argued the case for a self-regulating system for academic qualifications in Wales, albeit further into the future (for example ten years time), where quality assurance was built into a qualification itself:

“I think that what they have done in Scotland is to move away from the model of looking at regulation, particularly from the point of view of general qualifications. What they are looking at and are concentrating upon is developing the quality of the qualification. I think that that is where we should go in Wales, and I think that that is

¹⁰ [CYPE\(4\)-12-14 – Paper 2 – Huw Evans](#)

half the problem that we have at present in Wales. That is why we have so many problems in terms of examinations that are not working out as they should—because we have not concentrated on quality.” [translation of original quote]¹¹

40. Gareth Pierce argued the context was very different to Scotland due to the fact that the same qualifications used in Wales would also exist in England under an environment of considerable regulation.

Committee’s View

41. The Committee believes that consideration must be given as to how academic qualifications in Wales should be quality assured and regulated, and what provision the legislation should make for this. In doing so, consideration should also be given to the advantages and disadvantages of the Scottish model; Huw Evans’ vision for self-regulation; and how best to build quality into qualifications from the outset.

Recommendation C1: The Welsh Government should carefully consider how academic qualifications should be quality assured and regulated. The Qualifications Wales Bill should make specific and appropriate provision for this.

The proposed commissioning awarding model

42. The Committee heard from the WJEC that greater clarity was needed over the model for awarding qualifications set out in the Welsh Government’s consultation paper in late 2013. Gareth Pierce told the Committee:

“... our view in WJEC is that a great deal of detailed work needs to be done on the model, and that that is going to be crucial to the success of Qualifications Wales. A clear understanding is needed of the role of the new body and an interface with key partners.” [translation of original quote]¹²

43. Mr Pierce said that the regulatory role was the clearest aspect of Qualifications Wales’ remit but that other parts needed ‘a great deal more development in terms of their concept’. He stressed the importance of the Welsh Government deciding which responsibilities it wanted to retain and those which will rest with Qualifications Wales and the commissioned awarding bodies.

¹¹ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 152\)](#)

¹² Oral Evidence, 7 May 2014, [Record of Proceedings \(para 11\)](#)

44. In written evidence, Huw Evans stated:

“In the first instance, Qualifications Wales will not be a fully-fledged awarding body but will take responsibility for the design, development and awarding of its own suite of qualifications by commissioning one or more awarding bodies to perform these functions on its behalf.”¹³

Committee’s view

45. The Committee believes that there needs to be clarity over who will do what under the new model for awarding academic qualifications and how the relationship between the Welsh Government, Qualifications Wales and awarding bodies commissioned to deliver qualifications will work in practice.

Recommendation C2: The relationship between Welsh Government and Qualifications Wales, together with awarding bodies, must be clear. The new model for awarding academic qualifications must provide clarity about the roles of the organisations involved.

Links between Qualifications Wales and setting the curriculum

46. It is not proposed that Qualifications Wales will have curricula responsibilities, which has been highlighted as one of the main difference between Qualifications Wales and the role previously played by the Qualifications, Curriculum and Assessment Authority for Wales (ACCAC).

47. In his evidence, Huw Evans also indicated that Qualifications Wales would not be looking at the curriculum or policy related to the curriculum. Mr Evans went on to say that the curriculum:

“...will be an issue that sits with the Welsh Government, and Qualifications Wales will follow what the Welsh Government asks of it in terms of the curriculum.”¹⁴

48. In discussing this point Gareth Pierce (WJEC) indicated that this was an accepted approach, and it was not unusual to have mechanisms in place where governments gave a clear signal to a qualifications or curriculum body on what should be a priority for them.

¹³ [CYPE\(4\)-12-14 – Paper 2 – Huw Evans](#)

¹⁴ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 178\)](#)

49. The Committee acknowledges this, but is clear in its view that to ensure a successful transition to the new system, there must be a well managed interface between qualifications and the curriculum.

50. In response to questions about a perceived gap in curriculum expertise and direction following the abolition of ACCAC, Gareth Pierce provided the following analogy:

“It seems as if the Welsh Government and WJEC are holding hands around a hole, and the hole is ACCAC.”¹⁵ [translation of original quote]

51. The significance of close links between qualifications authorities and the curriculum also came out of the visits to Ireland and Scotland with SQA stating they were closely involved in the process of setting the curriculum. In Ireland, a National Council for Curriculum and Assessment works with the State Examinations Commission on school-age curriculum and qualifications.

52. Huw Evans highlighted that the Qualifications Wales Advisory Board is working closely with curriculum officials to dovetail the two agendas, stressing that Qualifications Wales would have to be able to respond to any entirely new curriculum developments.

Committee’s view

53. The Committee believes that it is vital to sufficiently align qualifications and the curriculum under the new arrangements. If Qualifications Wales is not to have curricula responsibilities, as is proposed, the Committee believes it is essential that the Welsh Government works strategically to carefully manage the relationship and interface between qualifications and the curriculum.

Recommendation C3: The Welsh Government should develop a strategy to ensure the relationship and interface between qualifications and the curriculum is effectively managed and transparent.

Regulation and accreditation of vocational qualifications

54. The impact of Qualifications Wales on the accreditation of vocational qualifications was a key concern for the Committee from the outset of its inquiry.

¹⁵ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 88\)](#)

55. The Committee heard about the process within SQA for accrediting vocational qualifications, which (under legislation) is undertaken by an Accreditation Committee which rests within SQA but reports directly to the Scottish Government. SQA told the Committee that the Accreditation Committee is key to managing any perceived conflict of interest between SQA's awarding and regulatory functions in respect of vocational qualifications.

56. To ease the administrative burdens on the Accreditation Committee, SQA established an Accreditation Co-ordination Group (ACG) to take decisions on behalf of the Committee, which provides a practical solution to pressures on the Accreditation Committee.

Committee's view

57. The Committee believes that the model adopted by SQA provides an effective mechanism to accredit vocational qualifications, with well managed processes for dealing with any perceived conflicts of interest.

Recommendation C4: The Welsh Government should make provision within the Bill to enable Qualifications Wales to take an approach for accrediting vocational qualifications based on the model in SQA.

A more strategic approach to vocational qualifications

58. The Committee has considered whether the establishment of Qualification Wales would provide opportunity for that new body to become more strategically involved, in-particular, in vocational qualifications.

59. In evidence to the Committee, Gareth Pierce of the WJEC argued that vocational qualifications, in particular Initial Vocational Education and Training (IVET) courses, was an area in which Qualifications Wales could play a highly strategic role:

“I hope that Qualifications Wales will have started discussions on [IVET programmes] well before they are fully set up. There is a strategic role to play there, to see Wales move forward with a really top-class IVET model that is well suited to being delivered nationally within a 14-19 framework that prioritises bilingual availability as well. So, for the moment, we are working in terms of joining together of qualifications that happen to be available in the IVET area, but a much more strategic approach is possible, linking with the Welsh baccalaureate and drawing on the European experience of how you have a really good IVET programme that marries well with the general

education that those young people are also pursuing. So, strategically, Qualifications Wales can play a very substantial role in moving the IVET area forward.”¹⁶ [translation of original quote]

60. Mr Pierce drew a distinction between IVETs and Continuing Vocational Education and Training (CVET) courses in terms of the capacity to carve out a distinctly Welsh approach. Whereas, according to Mr Pierce, CVETs will continue to be the ones that have currency and are delivered by awarding organisations that work across the UK:

“there is an excellent opportunity for Wales by, to a certain extent, freeing itself from the three-country framework for IVET, and developing a model for Wales, emphasising bilingual provision in so doing, and the resources that will promote and support that bilingual provision. That is possible through rationalisation. That is one of the most exciting opportunities between now and the end of this decade, namely that there could be IVET programmes and excellent vocational provision for 14-19 that are strategic in terms of their vision.”¹⁷ [translation of original quote]

61. The National Training Federation for Wales (NTfW) told the Committee they ‘hugely welcome’ the clarification between IVETs and CVETs recommended by the Review of 14 to 19 Qualifications and that this was important in marking stages of progression of learners.

Committee’s view

62. The Committee believes that the establishment of Qualifications Wales provides an ideal opportunity for the new body to become more strategically involved in vocational qualifications. The Committee also believes that the mechanisms to allow this more strategic approach could be fully explored at this stage, with appropriate provisions included within the Bill on introduction.

Recommendation C5: The Welsh Government should explore opportunities for Qualifications Wales to adopt a more strategic approach to IVETs, unique to Wales and within the 14-19 agenda, and make appropriate provision for this within the Bill.

¹⁶ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 128\)](#)

¹⁷ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 132\)](#)

Intervention where vocational qualifications are not commercially viable

63. In evidence to the Committee the NTfW were keen to explore the potential for Qualifications Wales to intervene in a scenario where the commercial impetus was insufficient for an awarding body to develop a business case for a new vocational qualification in Wales.

64. NTfW, however, hoped that Qualifications Wales would only intervene where there was a significant market failure in terms of a specific qualification that was not being brought forward by existing quality assured awarding bodies.

65. In the case of Scotland, SQA said that their unprofitable, but nevertheless important, qualifications were subsidised by more profitable qualifications. They added that, on occasion, they would ask the Scottish Government for funding if a potential qualification served a national priority but was not commercially viable.

Committee's view

66. The Committee believes that there should be scope for Qualifications Wales to intervene in circumstances where vocational qualifications are not viable, but that the circumstances for intervention would need to be clear.

Recommendation C6: The Bill and/or associated guidance should include provision for the circumstances in which Qualifications Wales should intervene where an important vocational qualification was unavailable.

Inclusion of apprenticeship qualifications in Qualifications Wales' remit

67. Although apprenticeships did not form part of the remit set for his review, in evidence to the Committee Huw Evans said that he recognised the need for apprenticeships and the qualifications that go towards apprenticeships to be part of the work of Qualifications Wales.

68. Mr Evans said that he envisaged Qualifications Wales being the 'issuing authority that can actually determine the qualifications framework and what goes into the apprenticeship framework'. He made the distinction between responsibilities of this nature and those relating to funding, which he said should remain with the Welsh Government.

69. In written evidence, NTfW said that it would:

“...welcome (strongly) an increasing role for Qualifications Wales in the area of apprenticeships, and would particularly welcome Qualifications Wales becoming the ‘Issuing Authority’ for Apprenticeship Frameworks in Wales.”¹⁸

70. In oral evidence, NTfW added that they saw Qualifications Wales as the “gatekeeper to give a seal of approval for that apprenticeship to be delivered and funded in Wales”.

Committee’s view

71. The Committee agrees that Qualifications Wales could play an increasing role in the area of apprenticeship qualifications.

Recommendation C7: The Bill should make provision for Qualifications Wales to have a leading and strategic role in relation to the apprenticeship framework and qualifications.

¹⁸ [CYPE\(4\)-12-14 – Paper 3 – National Training Federation Wales](#)

Other Considerations for Qualifications Wales

72. During the inquiry, the Committee also considered issues that were clearly related to Qualifications Wales, but that in the Committee's view fell outside the agreed Terms of Reference of the pre-legislative inquiry.

73. Those issues have been highlighted in the report, and raise important issues that the Committee believes should be considered by the Welsh Government alongside the formal recommendations contained in the report.

Ultimate responsibility when things go wrong

74. The technical brief provided by Welsh Government to the Committee raised a question about where ultimate responsibility would rest, following the establishment of Qualifications Wales, should problems occur in the future such as the re-grading of English language GCSE in Summer 2012 or the issues regarding GCSE English language units in January 2014.

75. The Committee asked Huw Evans, as Chair of the Qualifications Wales Advisory Board where, effectively, "the buck would stop" under the new arrangements were such problems to occur. Mr Evans acknowledged this was an important issue and that accountability was a key point. He added it was something that the Advisory Board and the Welsh Government were currently investigating. Mr Evans told the Committee:

"I do not think that it is right, from the point of view of the quality assurance system that we have at present, that no-one is quite sure. I think that it is important, if something goes wrong in future, that we understand why it has gone wrong and what has caused the problem, and that the finger of blame is not pointed indiscriminately.

"In order to create that situation, we must have systems in place and we must have the remit properly in place in terms of what are the expectations placed upon all the stakeholders—what are the expectations of the awarding body, what is expected of Qualifications Wales and what is expected of the Welsh Government too."¹⁹

[translation of original quote]

¹⁹ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 201\)](#)

Committee's view

76. The Committee welcomed the acknowledgement from Huw Evans that the Advisory Panel and the Welsh Government were considering the issue of accountability within the new arrangements, but was concerned that there needed to be clarity on this before Qualifications Wales was established.

77. The Committee believes that, ultimately, responsibility should fall to Qualifications Wales, and that the Bill or associated guidance should provide clarity on this.

Potential for a market outside of Wales

78. The Committee considered whether there might be a potential market in the future for Qualifications Wales to operate, and gain income, outside Wales.

79. In looking at models elsewhere, the Committee heard from the SQA that they have mechanisms in place to accredit other awarding bodies' vocational qualifications, including those from outside of Scotland. SQA told the Committee this was an activity that is growing, contributing to the fact that SQA is almost self-financing.

80. When asked by the Committee whether a similar option to operate outside Wales would be available to Qualifications Wales, Huw Evans answered:

“At present, that does not sit particularly comfortably with me, to be honest. I believe that, as the legislation progresses, giving Qualifications Wales an opportunity to operate in Wales alone will be all that will be available to us. To work outwith Wales, we would have to create a partnership with another company, or we would have to work slightly differently.”²⁰ [translation of original quote]

81. At the same time, Gareth Pierce explained that the decision to re-brand the WJEC's services outside Wales as Eduqas was in order to distinguish between the qualifications it would be offering in Wales and elsewhere. Huw Evans said that Qualifications Wales would not want to interfere with WJEC's funding model and that its determination to remain a separate body was 'reluctantly accepted' by the Advisory Board.

²⁰ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 168\)](#)

Committee's View

82. Evidence from the SQA highlighted the potential for Qualification Wales to operate and gain income from outside Wales. The Committee believes that the Welsh Government should fully consider the potential for Qualifications Wales to operate, and gain income, outside Wales.

Accuracy and understanding of definitions

83. The terms 'regulation', 'accreditation', 'validation', 'quality assurance', 'recognised in the qualifications framework', have been used relatively flexibly and interchangeably in evidence the Committee has received. Evidence also suggests that there is arguably a lack of clarity over what 'responsibility for awarding' means in a qualifications context.

84. In his written evidence to the Committee Gareth Pierce (WJEC) stressed the importance of a clear understanding of such terms within the new arrangements in Wales.²¹

85. There is also a difference in how terms are used in Scotland. 'Accreditation' is used in terms of vocational qualifications but not in terms of academic qualifications, for which 'quality assurance' rather than 'regulation' is the terminology used. SQA told the Committee the relevant legislation setting out SQA's functions, the Education (Scotland) Act 1996, effectively pre-dated the concept of 'regulation' and therefore did not confer regulatory functions on SQA in respect of academic qualifications.

Committee's view

86. The Committee is concerned that there is a disparity in understanding of the terms used in different education systems, and how these terms are applied. Whilst this in itself does not necessarily have to be a problem in Wales, providing there is sufficient clarity over the meaning of such terms in its new arrangements for qualifications, it needs very close and careful consideration.

87. The Bill should provide clear and robust definitions of terminology used throughout the 'qualifications' system as a whole, and specifically in the new arrangements being introduced in Wales, to ensure a clear understanding of terms throughout the education system.

²¹ [CYPE\(4\)-12-14 - Paper 1 - WJEC](#)

Should all vocational qualifications need Qualifications Wales approval?

88. In oral evidence, Huw Evans said that whilst it needed further consideration, the Advisory Board was currently of the view that:

“any qualification that is publicly funded and offered within Wales should have the Qualifications Wales seal of approval on it.”²²

89. Mr Evans referred to the need, highlighted in the Review, to simplify the number of vocational qualifications on offer in Wales and for Qualifications Wales to act as a ‘gatekeeper’ to ensure they are fit for purpose and meet the needs of Wales.

90. This would prevent vocational qualifications that had either been developed within Wales but not approved by Qualifications Wales, or from outside Wales but not submitted for approval, from being publicly funded. This was a concern for NTfW who believed that choice of awarding body should remain with the vocational training provider. Its Operations Manager, Jeff Protheroe, told the Committee:

“We obviously would not want to see Qualifications Wales putting up barriers to entry for awarding organisations to offer qualifications in Wales, because we recognise that there needs to be enough scope for providers to choose which awarding organisation to work with. The nature of what we deliver is so wide across all sectors and industries etc that we need to have that breadth of offer.”²³

91. In Scotland, accreditation of the Scottish Vocational Qualifications (SVQ) brand is mandatory although other accreditation is voluntary. An awarding body providing vocational qualifications in Scotland may choose to have their qualification accredited by SQA as accreditation is often seen as being in the awarding body’s interest due to the credibility this gives them. However, vocational qualifications that are not part of the SVQ brand are still available in Scotland.

92. Similarly, QQI told the Committee that Ireland has an open qualifications system with many UK Higher Education awards and vocational qualifications offered in Ireland. QQI do not ‘re-quality assure’ such qualifications but said that they need to have confidence in the regulatory system of other countries. QQI therefore has agreements in place with bodies such as Ofqual in England.

²² Oral Evidence, 7 May 2014, [Record of Proceedings \(para 191\)](#)

²³ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 269\)](#)

Committee's View

93. The Welsh Government may wish to consider whether all vocational qualifications available for public funding in Wales should be required to have Qualifications Wales approval (as envisaged by Huw Evans) or if the market should be more open and providers given more choice over awarding body.

94. The Bill needs to provide certainty on this issue and reflect a clear vision of the Welsh Government's preferred approach.

Welsh-medium provision of vocational qualifications

95. The provision of Welsh-medium vocational qualifications was highlighted to the Committee in evidence from NTfW. NTfW described Welsh-medium provision as a 'massive challenge' for the vocational sector and hoped that Qualifications Wales would provide the same level of support as that available for academic qualifications, which would further aspirations of achieving parity of esteem.

96. Commenting on support available for providing vocational qualifications through the medium of Welsh, NFTW said:

"Currently, that does not exist at all; it is literally up to the market to create that as opposed to it being something strategic."²⁴

97. The Committee also notes that Recommendation 6 of Huw Evans' review said:

"Those vocational qualifications considered to be of the highest relevance and value to 14 to 19 year old learners and the Welsh economy, should [in addition to general qualifications] be available in English and Welsh simultaneously and at the same cost to providers."²⁵

Committee's View

98. The Welsh Government should consider mechanisms by which Qualifications Wales could contribute to enhancing bilingual provision of vocational qualifications.

²⁴ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 284\)](#)

²⁵ [The Review of Qualifications for 14 to 19-year-olds in Wales](#)

The challenge of redefining relationships and forging alliances and the process for setting standards and developing vocational qualifications

99. QQI described one of the biggest challenges for them as a new organisation was not developing qualifications themselves but redefining the relationship and agreements between all of the various bodies involved in the qualifications sector.

100. Commenting on their role as a single national awarding body for vocational qualifications, QQI said a key question for them had been how to deal with around 1,600 different qualifications and how to distribute responsibility for standards development. In this sense, QQI see their role as a catalyst, as their size does not allow them to do everything themselves but they can stimulate and influence developments and change, through forging alliances.

101. QQI therefore regards professional and occupational organisations as a very important group. QQI are responsible for the standards of qualifications themselves and invite other organisations to show how they will assess that. QQI then ‘validates’ this, whilst assessment is by institutions and the individual awarding bodies themselves. Crucial to this process is the statutory relationship between QQI and professional / occupational organisations. In Ireland, consultation and co-operation between such organisations and QQI has a foundation in legislation.

102. SQA also referred to the close relationship they have with employers and the professional sectors in developing vocational qualifications in Scotland.

103. Huw Evans’ written evidence described how it is proposed such collaboration will take place in Wales:

“It will be essential that Qualifications Wales liaises extensively with employers and sectors to ensure that those qualifications deemed to be fit for purpose for use in Wales are confirmed to meet the needs of employers – that the skills and knowledge required are valid and current, that the assessment methodology is appropriate and that the progression routes into employment are clear. The new Advisory Boards [Sector Qualification Advisory Panels] are seen as being the effective sector based interface.”²⁶

²⁶ [CYPE\(4\)-12-14 – Paper 2 – Huw Evans](#)

104. In their paper, NTfW urged Qualifications Wales to ensure all qualifications are scrutinised as part of the quality assurance process so that they offer the employability skills required by employers. NTFW said that in order for this to become a reality, Qualifications Wales needs to develop a close working relationship with the soon to be established Sector Qualification Advisory Panels to ensure that any current, or future, vocational qualifications are fit for purpose.

Committee's View

105. The Welsh Government may wish to consider what can be learnt from Ireland in the way Qualifications Wales works with the professional sector on developing standards for vocational qualifications.

106. The Welsh Government should use opportunities provided by the Sector Qualification Advisory Panels to promote close and effective engagement with the professional and occupational sectors.

The relationship between Qualifications Wales and the Welsh Government

107. Huw Evans stated in his paper²⁷ that there will be a recognised public appointments process for the Qualifications Wales Board and Chair, an 'influential and representative' stakeholder group to advise the Board, and a 'sponsorship unit' within the Welsh Government to manage its relationship with Qualifications Wales. When asked about such a sponsorship unit in Committee, Huw Evans said:

“...the success of this venture with Qualifications Wales is twofold. First of all, it is about having governance that is effective within Qualifications Wales, and part of that governance includes an effective chief executive officer who will run it, but it also has to have an effective sponsorship division that sets the remit, conveys the policy, and does so in a meaningful way. I would imagine that that would come under the remit of the Minister for education and a division that the Minister for education would set up to undertake that process. That is not a detailed discussion that the Advisory Board

²⁷ [CYPE\(4\)-12-14 – Paper 2 – Huw Evans](#)

has had. We have talked about sponsorship and we have talked about the need for efficient and effective sponsorship, but we have not talked about the who and the when and how it is going to happen. I think that is a matter for Welsh Government.”²⁸

Committee’s View

108. The Committee believes the relationship between Qualifications Wales and the Welsh Government will be crucial and that it is important the Bill process sets out a clear vision for what this will be.

²⁸ Oral Evidence, 7 May 2014, [Record of Proceedings \(para 222\)](#)