

# Ofqual Board

## Paper 50/14

**Date:**

24 September 2014

**Title:**

Lifting the accreditation requirement

**Report by:**

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**Responsible Director:**

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**Paper for decision**

**open paper (Annex A future publication)**



**Issue**

1. We consulted in July and August 2014 on proposals to remove the accreditation requirement for the majority of qualifications. This paper reports on the responses to the consultation and invites the Board to consider recommendations in light of those responses.

**Recommendations**

2. The Board is recommended to agree the following proposals to take effect from 1<sup>st</sup> November 2014:
  - a. That the accreditation requirement be revised so that:
    - i. the current accreditation requirement for every regulated qualification is removed; and

- ii. an accreditation requirement is re-imposed for all GCSE and GCE qualifications<sup>1</sup>.
- b. that all current accreditation criteria, for qualifications other than GCSE and GCE qualifications (where an equivalent criterion is already in force), are revised and replaced with a single new accreditation criterion applicable to all regulated qualifications that, from time to time, may be subject to the accreditation requirement (for example where we impose an accreditation requirement on a specific awarding organisation);
- c. we introduce a new General Condition of Recognition to require all awarding organisations to submit all of their regulated qualifications that are not subject to the accreditation requirement directly to the Register:

### **Background**

- 3. The Ofqual Board has been updated on the development of our new Regulatory Strategy at previous meetings. Lifting the accreditation requirement is central to implementation of the first phase and will allow the transition to regulating for validity through the qualification lifecycle. In lifting the accreditation requirement, we remove the perception that the regulator is responsible for the quality of each individual regulated qualification and emphasise that this responsibility is borne by the awarding organisations. The proposals reflect the commitments we have made since vesting and meet Parliament's intention (reflected in the ASCLA) that accreditation would be used by exception.
- 4. In our consultation we sought views on the following proposals:
  - i. removal of the current general accreditation requirement and the imposition of an accreditation requirement for all GCSE and GCE qualifications;
  - ii. the introduction of a new General Condition of Recognition to require all awarding organisations to submit all of their regulated qualifications that are not subject to the accreditation requirement directly to the Register; and
  - iii. replacement of all current accreditation criteria with a single new accreditation criterion applicable to all regulated qualifications that, from time to time, are subject to the accreditation requirement.

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<sup>1</sup> GCSE (A\*-G); GCSE (9-1); and GCE qualifications (both modular and linear);

5. As can be seen from the summary of responses to the consultation (Annex A – for the Board’s information only, for future publication), there was broad support for all of the proposals.
6. We have reviewed the recommendations in the light of the feedback to the consultation. We do not propose any changes to the proposals, but will take into account the feedback in implementing the proposals.

**Removal of the general accreditation requirement and imposition of an accreditation requirement for existing and reformed GCSE and GCE qualifications**

7. The feedback demonstrates that there is broad support for these linked proposals, with between 75% and 77% of respondents agreeing.
8. Amongst those respondents who provided a narrative response, there was concern that our proposals might lead to a two-tier system, with GCSE and GCE qualifications perceived to have greater value because accreditation had been retained.
9. Similarly, some respondents suggested that accreditation should be retained for other high profile qualifications, including those for which qualification criteria have been published such as ESOL and Functional Skills qualifications
10. Lifting the accreditation requirement reflects our position that, in general, accreditation is not the most effective way to regulate qualifications for validity across the lifecycle, as it provides only an additional check before a qualification goes onto the Register and does not set requirements for the qualification. From time to time we may decide that accreditation is appropriate as part of our approach to the regulation of a particular qualification or description of qualifications or in relation to placing additional regulatory controls on specific awarding organisations. We will be considering whether accreditation requirements should be imposed on specific awarding organisations as part of our implementation approach, following the procedure set out in our policy Taking Regulatory Action.
11. At present, we have decided that accreditation is essential to the regulation of existing and reformed GCSE and GCE qualifications. This decision reflects a number of factors, which include our decision to regulate many of these qualifications through the publication of detailed qualification and subject level criteria and conditions, the expectation of comparability of demand between versions, and reflects the current reform of these qualifications.
12. This does not mean that accreditation will always be appropriate to our regulatory approach to qualifications undergoing reform or qualifications where detailed regulatory criteria have been published, neither does it mean that accreditation will be inappropriate in the absence of these factors.

13. Equally, that qualifications are well known and widely used does not necessarily mean that accreditation will be an appropriate regulatory control. For example, we do not currently believe that accreditation adds sufficient value to our regulation of level 1/2 certificates, commonly known as iGCSEs, which are qualifications that are not underpinned by any subject-specific criteria or conditions.
14. As we determine our regulatory approach to different descriptions of qualifications, we may decide that accreditation should form part of that approach. In general, analysis of the narrative responses demonstrates the need for further communication about our approach to regulating for validity through the qualification lifecycle.

#### **A new General Condition of Recognition (E6)**

15. Over 80% of respondents agreed that the proposed new Condition (Annex B) was appropriate to provide that qualifications must appear on the Register. A similarly high proportion of respondents agreed that we should provide statutory guidance about Condition E6.
16. The consultation recognised that we would be proposing changes to Condition E6, specifically the reference to GLH in qualification submissions, in our current consultation about on Guided Learning Hours. If we decide to publish Statutory Guidance in respect of Guided Learning Hours, following that consultation, we will consider whether appropriate guidance about E6 should be incorporated. At the same time, we will consider whether statutory guidance about E6 should be provided more generally, including in respect of awarding organisations' internal quality assurance arrangements
17. For now, we will qualify Condition E6, requiring that information about GLH be included in a qualification submission only where GLH has been assigned by the awarding organisation. Similarly, when implementing our proposals we will provide operational information about the specific requirements of Condition E6. That information will address some of the misunderstandings reflected in the feedback, including as to the definition of a regulated qualification, previously published in RO11/2013.

#### **Publication of a single new accreditation criterion**

18. Respondents generally agreed that the proposed criterion (Annex C) was appropriate to allow an accreditation decision, where such a requirement applied. The proposed criterion is identical to that already in place for all GCSE and GCE qualifications.
19. There was some misunderstanding as to the extent to which subject and qualification level conditions have been published and about the extent to which these might be relevant to different qualifications. These issues can be addressed in communications explaining the publication of the new accreditation criterion.

## **Finance and resource**

20. Removing the accreditation requirement will allow resource to be released from current activity to enhance our audit approach. There are no significant costs associated with implementation.
21. Changes to RITS to allow the accreditation requirement to be lifted can be made without cost. We do not propose any other changes to RITS as a result of these proposals.

## **Impact assessments**

### Equality Analysis

22. We identified no relevant impacts on persons with protected characteristics arising out of our proposals. Most respondents agreed with our analysis.
23. Where concerns were raised, they reflected the view that our proposals would devalue those qualifications for which accreditation was removed. It was argued that persons with protected characteristics might be more likely to choose such qualifications and, as such, might be disadvantaged.
24. Research illustrates that candidates with protected characteristics take a significant number of vocational qualifications at KS5. However, whether or not our regulatory approach to a particular qualification involves accreditation reflects our assessment of the value which that regulatory process might add to the regulation of that particular qualification. The use, or otherwise, of accreditation is not an indication of the value which the regulator places on any particular qualification. We have already identified a need to communicate more information about our regulatory approach, and do not agree with the assertion that our proposals might create a two tier system. Clarifying this misunderstanding will allay the perception that some persons might be disadvantaged.

### Risk Assessment

25. Lifting the accreditation requirement necessarily carries the risk that awarding organisations will make available qualifications which are not fit for purpose. Accepting this risk, and mitigating the risk by setting clear expectations of awarding organisations, and enforcing those expectations through audit and regulatory action, where appropriate, is central to our regulatory approach.
26. This risk is balanced against the perception that accreditation reflects lasting endorsement by the regulator of a particular qualification when, for most qualifications, accreditation checks little beyond the initial design and development proposals reflected in the specification.

### Regulatory Impact Assessment

27. Awarding organisations are responsible for the quality of the qualifications they provide; the Conditions make explicit (Condition E5)

the obligation on an awarding organisation to assure itself that the qualifications it develops comply with its Conditions of Recognition before submitting those qualifications to the Register. Our proposals do not affect this obligation and, as such, do not increase the regulatory burden on awarding organisations.

28. The feedback received reflects a perception that accreditation is the mechanism by which qualifications are quality assured, without which there is a risk that substandard qualifications will be allowed into the market. We need to address this misunderstanding in our implementation approach, explaining that we assure the quality of regulated qualifications by setting and enforcing clear expectations for awarding organisations.
29. Some respondents observed that a divergence in accreditation requirements between Ofqual, Welsh Government and CCEA might increase the overall regulatory burden for awarding organisations.
30. Although not directly relevant to these proposals, the Board will recognise that negotiations are ongoing with the other regulators to identify a solution which minimises any increase in the administrative burden for awarding organisations wishing to offer qualifications in more than one country. These negotiations are taken into account in our implementation approach.

### **Timescale**

31. We will implement these proposals on 1<sup>st</sup> November 2014. This timescale will allow the conclusion of ongoing negotiations with Welsh Government and CCEA to resolve the potential complications for awarding organisations and users of qualifications which might arise from a divergence in accreditation requirements across the three regulators
32. We should announce our decision and the timescale for implementation as soon as practicable following the Board's decision.

### **Communications**

33. We will need to communicate our decision and timescale for implementation to awarding organisations, together with operational information about the requirements of Condition E6.

### **Internal Stakeholders**

34. Regulatory Policy Teams, Regulatory Compliance, Qualifications Directorates, Regulatory Strategy teams.

### **External Stakeholders**

35. DfE, BIS, DELNI, Welsh Government, CCEA.

Paper to be published	YES – without Annex A
Publication date (if relevant)	With meeting minutes - Annex A is currently in draft and is scheduled for future publication separately

#### **ANNEXES LIST:-**

- ANNEX A     Analysis of Consultation on Lifting the Accreditation Requirement.
- ANNEX B     Proposed Condition E6
- ANNEX C     Proposed Accreditation Criterion

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# **Analysis of Consultation on Lifting the Accreditation Requirement**



August 2014

Ofqual/14/5486



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## Executive Summary

This consultation, about the proposed lifting of accreditation requirement for all regulated qualifications and re-imposition of such a requirement for specific descriptions of qualifications, took place between 9 July 2014 and 6 August 2014.

There were 95 responses to the consultation from individuals and organisations; 89 in a form that matched or broadly followed the layout of the online consultation and 6 written submissions which are not included in the quantitative data analysis, but are reflected within the qualitative sections. Over 90 per cent of the responses were official responses, mostly from Awarding Organisations, while less than 10 per cent were personal views of individuals<sup>1</sup>.

Where written, 'qualification', will always mean 'regulated qualification' as defined within the definitions section of the General Conditions of Regulation.

### **The key points from the consultation are:**

In general, respondents agreed with the proposals in the consultation, key points raised are:

- Respondents agree we should lift the accreditation requirement. There is concern, however, that there is currently insufficient information about our regulatory approach in the future, to ensure that qualifications are fit for purpose without accreditation and about the possibility of duplicate qualifications appearing on the Register of Regulated Qualifications.
- Ofqual should use risk as a means to assess whether qualifications should be subject to accreditation, if the accreditation requirement is lifted.
- If the accreditation requirement is in place only for GCSE and GCE qualifications, there is a risk this is perceived as creating a 'two tier' system which is thought likely to impact negatively on learners with protected characteristics who might be more likely to take vocational rather than academic qualifications.

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<sup>1</sup> These percentages include the 6 written responses which were not in a form that matched or broadly followed the layout of the online consultation.

# 1. Introduction

## 1.1 The Consultation on Lifting the Accreditation Requirement

This report is a summary of the views expressed by those who responded to our recent consultation on Lifting the Accreditation Requirement.

Between July 2014 and August 2014 we consulted on proposals to lift the accreditation requirement for all qualifications and re-impose an accreditation requirement for specific descriptions of qualifications. We also proposed a new General Condition of Recognition and Accreditation Criterion, to implement our proposals.

## 1.2 Background

- 1.1 We are developing our regulatory approach, so as to remove regulatory requirements that sometimes get in the way of good qualifications, and focusing on the requirement for awarding organisations to ensure that each of their qualifications is fit for purpose. We intend to develop our audit and inspection of awarding organisations, to be clear about our expectations and will use our regulatory enforcement powers where appropriate. Rather than primarily concentrating our review at the beginning of the life cycle of qualifications, as we do now, we will increasingly scrutinise the development, delivery and award of qualifications over the life of each qualification.
- 1.2 The Apprenticeships, Skills, Children and Learning Act (2009) enables us to set an accreditation requirement for specific qualifications or descriptions of qualifications or for specific awarding organisations. When an accreditation requirement is in place the relevant qualification must be accredited by us before it can be awarded.
- 1.3 Currently, there is an accreditation requirement for every regulated qualification. This requirement was imposed by a statutory instrument in 2010.<sup>2</sup> An accreditation process is valuable for GCSEs, AS and A levels. This is because several exam boards are seeking to design and develop comparable qualifications. These are based on the detailed and clearly defined Qualification and Subject Level Conditions that have been put in place for these qualifications (previously called Qualification and Subject Criteria). We use these Conditions during the accreditation process to make a decision about

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<sup>2</sup> The Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 3 and Transitional and Transitory Provisions) and (Commencement No. 2 (Amendment)) Order 2010.

whether the qualifications have been designed to the right standard to ensure a fair outcome for students in these national examinations.

- 1.4 We require all awarding organisations to be accountable for the quality of their qualifications at all stages throughout the life cycle of the qualification and to offer only those qualifications which they are confident are valid. Accreditation is a check of a qualification at a single point in time prior to its use and we believe that for most qualifications there are better ways of regulating awarding organisations during the design, development and delivery process to ensure valid qualifications.

## Considerations

In the event that Ofqual proceeds with the proposal to lift the accreditation requirement within this consultation, consideration should be given to the stakeholder management of those who responded negatively. A list of those organisations can be found in [Appendix C](#).

## 2. Who responded?

We received a total of 95 responses to our consultation. There were 89 responses to the consultation questions<sup>3</sup> and 6 written submissions which did not fit the format of the consultation and are considered separately.<sup>4</sup>

Of those which followed the format of the consultation 80 (90 per cent) were official responses and 9 (10 per cent) were personal views of individuals.

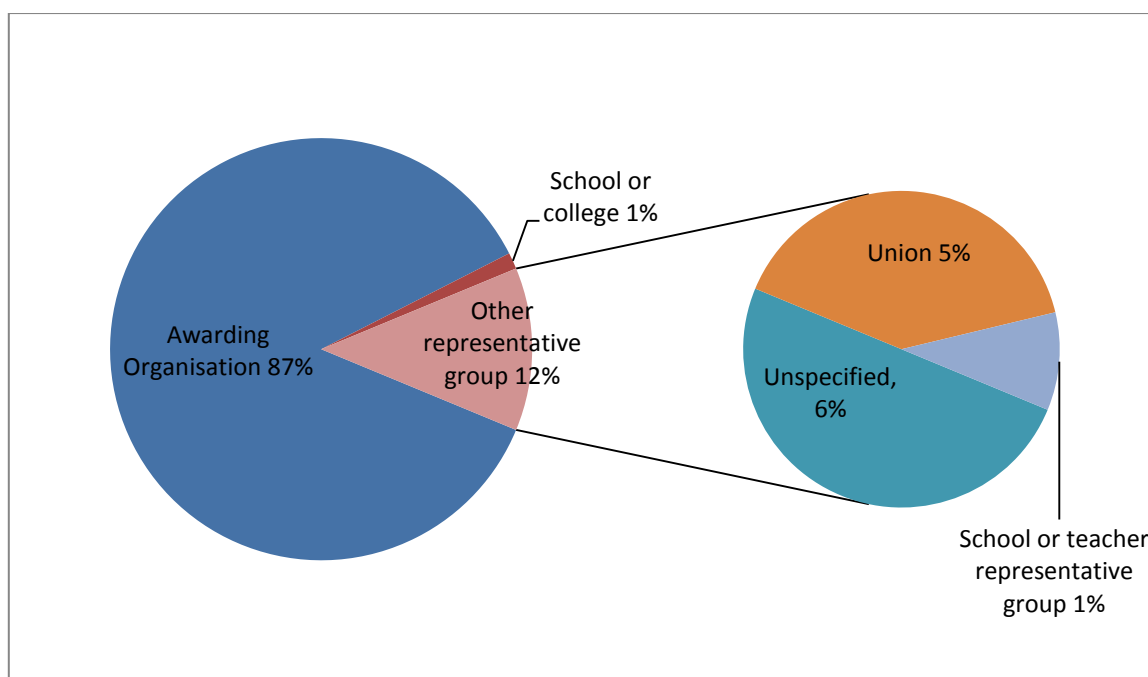
The breakdown of official responses can be seen in Figure 1 below.

**Figure 1:** Breakdown of official responses

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<sup>3</sup> Where responses which followed the format of the consultation were received in hard copy we entered them onto the online platform.

<sup>4</sup> These 6 responses are not included in the quantitative analysis that follows. See section 3 on our approach to analysis



Official responses were generally from Awarding Organisations (87 per cent of all organisational responses) or other types of organisations including schools, colleges and other representative / interest groups (12 per cent).

Figure 2 illustrates the number of questions answered by respondents, showing whether those responses were from individuals or official responses submitted on behalf of organisations.<sup>5</sup>

**Figure 2:** Number of questions answered by Official response or Personal view<sup>6</sup>

Question answered	Organisation response	Personal Views	All
1	80	9	89
2	80	9	89
3	71	5	76
4	80	9	89
5	77	9	86
6	80	9	89
7	77	8	85
8	76	9	85
Total	621	67	688

<sup>5</sup> Figures 2 and 3 exclude non-standard responses.

<sup>6</sup> A respondent is included if they answered 'don't know / no opinion' or 'other' to questions in the section.

Figure 3 shows the breakdown of responses by country. The vast majority of replies received to the consultation were from England.

**Figure 3:** Consultation responses by country

<b>Country</b>	<b>Number of responses</b>
England	83
Wales	1
Scotland	0
Northern Ireland	4
Other EU country	0
Non-EU country	1
Unknown	0
<b>Total</b>	<b>89</b>

### 3. Approach to analysis

The consultation was published on our website. Respondents could choose to respond using an on-line form. The consultation included 8 questions. Seven of the questions included a closed (quantitative) option, but beneath some of these questions, respondents were invited to provide a more detailed open (qualitative) response. The format of Question 3 was purely open (qualitative), where respondents provided a narrative response. Respondents were also able to email or post copies of their responses to the consultation questions or provide a response to the consultation in their own format.

#### 3.1 Data presentation

We present the responses to the consultation questions in the order in which they were asked. Each section of the consultation, and therefore of this report, includes a number of agree/disagree or yes/no (quantitative) questions. Below each quantitative question there was the option for respondents to provide a more detailed open (qualitative) response, giving an opportunity for those who wanted to expand on a point to do so.

The quantitative and qualitative responses are presented separately. We only summarise the main findings of the quantitative questions in the text, as the tables provide a clearer and more concise view of the evidence. In contrast, the open response data requires much more analysis and explanation to provide context and deeper insight into the issues raised.

Note that the qualitative summaries provided in the analysis include the six non-standard narrative responses to the consultation, but the quantitative summaries do not.

#### 3.2 Quantitative data / closed question responses

Respondents could choose to answer all or just a selection of the questions.

In the figures and text where we refer to a percentage agreeing with or in favour of a proposal, this is calculated by adding the total number of responses that agreed or strongly agreed and calculating a percentage based on the number of respondents who responded to the question (i.e. those who agreed, disagreed, or provided an 'other' or 'don't know/no opinion' response). The same applies to percentages disagreeing or strongly disagreeing with the proposal.

In each case, the pie charts reflect the overall proportion of responses (corresponding with the top row in the tables). Within each table, the responses have been separated out into personal and organisational responses, and then split down

further into groups<sup>7</sup>. The majority of responses to the consultation came from Awarding Organisations, and so the overall figures tend to reflect their views.

### **3.3 Qualitative data / open question responses**

During the analysis phase every response to each question was reviewed, including the 6 narrative responses to the consultation. The main arguments were identified and then summarised in the qualitative analysis sections of this report.

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<sup>7</sup> The groups include Awarding Organisations, Other organisations (including responses from Local Authorities, Representative / Interest Groups and Universities), Independent Schools, Other schools (including academies, state schools and other schools), Teachers, Educational Specialists, and Other individuals (including the general public, students, parents and others).



## **4. Views expressed – consultation response outcomes.**

In this section we report the views, in broad terms, of those who responded to the consultation, either by submitting an electronic response, or views expressed through a separate written submission. We have structured this around the main sections covered in the consultation document and provide analysis of the quantitative data broken down by stakeholder.

A consultation is not the same as a survey and only reflects the views of those who chose to respond. Typically these will be those with strong views and/or particular experience or interest in a topic. What follows is a fair reflection of the views expressed by respondents to the consultation.

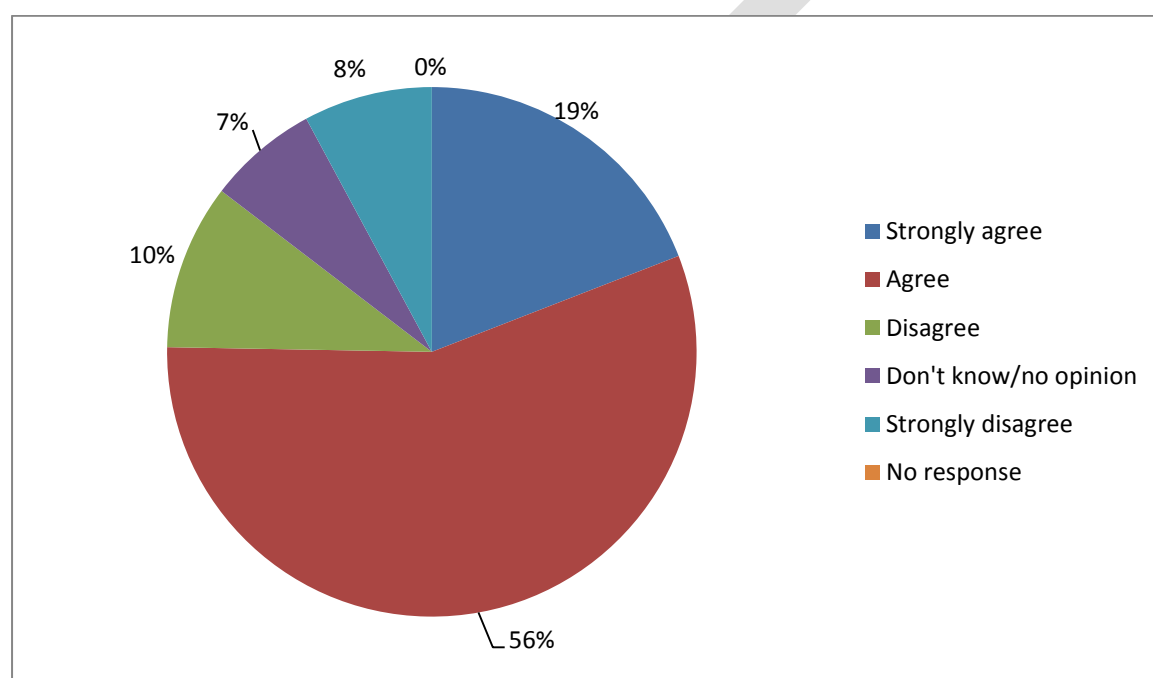
A number of respondents felt that the structure of the online system used to capture the consultation responses should have allowed the respondent to explain their answers in all cases, regardless of whether they answered 'yes' or 'no' to questions 5, 7 and 8.

Appendix A contains a list of the organisations that responded to the consultation.

**Views on the statement that ‘Ofqual should remove the requirement that every regulated qualification must be accredited by Ofqual before it can be awarded’.**  
(Question 1)

There is clear support for the proposal that Ofqual should remove the requirement that every regulated qualification must be accredited before it can be awarded, with 67 of the 89 respondents supporting the proposal, and 16 respondents disagreeing with the proposal.

**Figure 4:** Question 1 – Views on the proposal that Ofqual should remove the requirement that every regulated qualification must be accredited by Ofqual before it can be awarded.

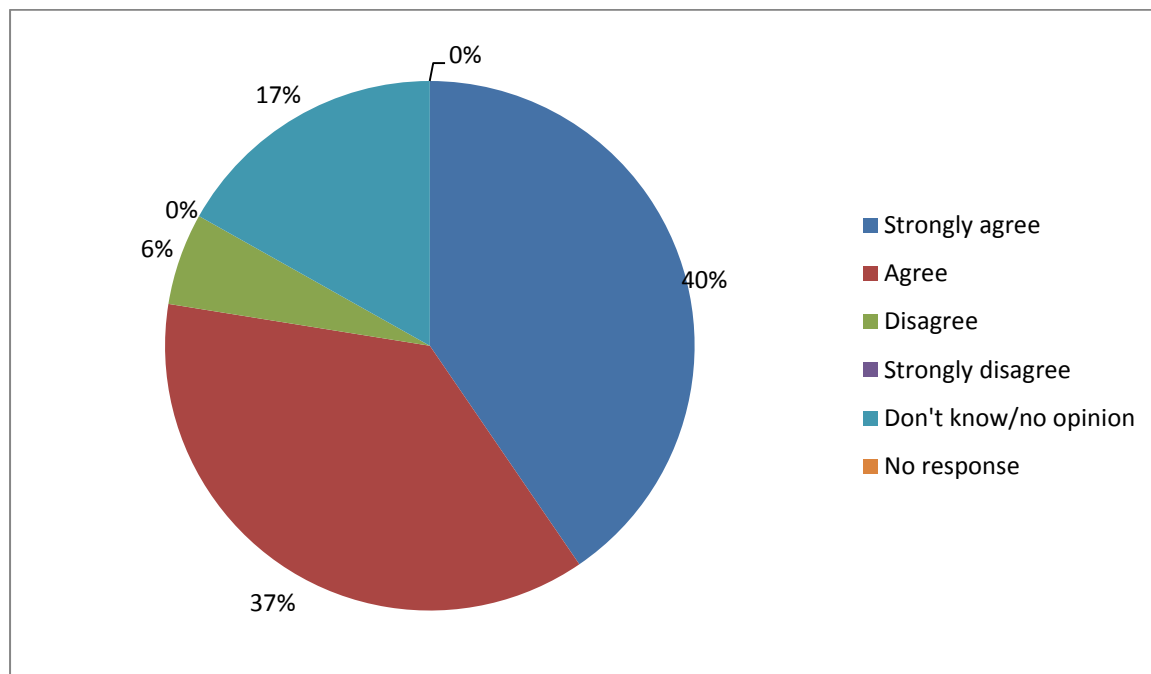


**Figure 5:** Breakdown of question 1 by respondent type

	No response	Don't know / no opinion	Strongly agree	Agree	Disagree	Strongly disagree	Total	Total agree	Total disagree
All	0	6	17	50	9	7	89	75.3%	17.9%
Individual responses	0	1	0	4	1	3	9	44.4%	44.4%
Organisation responses	0	5	17	46	8	4	80	78.6%	15.0%
Awarding Organisation	0	5	15	42	4	3	69	82.6%	10.1%
Union	0	0	0	1	2	1	4	25.0%	75.0%
School/College	0	0	1	0	0	0	1	100.0%	0.0%
School/Teacher	0	0	1	0	0	0	1	100.0%	0.0%
Representative Group	0	0	0	3	2	0	5	60.0%	40.0%
Unspecified	0	0	0	3	2	0	5	60.0%	40.0%

**Views on the statement that ‘Ofqual should impose an accreditation requirement for GCSE, AS and A level qualifications’. (Question 2)**

**Figure 6:** Question 2 – Ofqual should impose an accreditation requirement for GCSE, AS and A level qualifications. What is your view of this statement?



**Figure 7:** Breakdown of question 2 by respondent type

	No response	Don't know / no opinion	Strongly agree	Agree	Disagree	Strongly disagree	Total	Total agree	Total disagree
All	0	15	36	33	5	0	89	77.5%	5.6%
Individual responses	0	0	5	4	0	0	9	100.0%	0.0%
Organisation responses	0	15	31	29	5	0	80	75.0%	6.3%
Awarding Organisation	0	15	26	24	4	0	69	72.4%	5.8%
Union	0	0	0	3	1	0	4	75.0%	25.0%
School/College	0	0	1	0	0	0	1	100.0%	0.0%
School/Teacher	0	0	1	0	0	0	1	100.0%	0.0%
Representative Group	0	0	1	0	0	0	1	100.0%	0.0%
Unspecified	0	0	3	2	0	0	5	100.0%	0.0%

It is clear from the open qualitative responses to the consultation that respondents supported the lifting of the accreditation requirement as proposed. However, a number of respondents are concerned about the quality of qualifications that have not undergone accreditation and express the view that the consultation does not sufficiently detail Ofqual’s expectations of Awarding Organisations should the accreditation requirement be lifted.

Respondents also expressed concern that if the accreditation requirement is imposed only on GCSE, AS and A-Level subjects, this might create a 'two-tier' education system.

It was suggested that the requirement for accreditation could be assessed on a risk based approach for both Vocational and General Qualifications with equal accreditation criteria applied to both types of qualification.

*"Essentially, this is creating a two tier system which implicitly continues to marginalise vocational qualifications as being of less worth than general qualifications. This is not the case nor should it be one that is promoted by Ofqual."* (Institute of Hospitality Awarding Body)

*"Whilst we agree with the proposal in principle it will be important to ensure that they do not create what would effectively be a two tier system, where qualifications subject to an accreditation requirement are regarded as inherently more valuable than other qualifications."* (Trinity College London)

*"We would add that our experience of accreditation has generally been very good. It is hard for us to see how you can justify removing accreditation for some academic qualifications but not for GCSEs and A levels. This could distort the market and lead to the perception of two tiers of Ofqual approval."* (IB)

*"We need more detailed information on the additional audit requirements that will replace the accreditation process, [...] in order to make an informed decision."* (NCFE)

*"It may be more appropriate to have an accreditation requirement for all qualifications that are "high risk" i.e. volume, licence to practice rather than segregating general and vocational qualifications."* (CIPS)

*"CMI does not feel able to 'strongly agree' with the proposal because of the lack of information provided within the consultation document in relation to the approach that Ofqual intends to introduce in place of the accreditation requirement."* (CMI)

*"HABC welcomes Ofqual's intention to adopt a more risk based approach to regulation throughout the lifecycle of qualifications. We are firmly in favour of the proposal to lift the accreditation requirement that is currently applied. We feel that this change would provide Ofqual with an opportunity to more effectively focus its resources."* (HABC)

**Should Ofqual impose an accreditation requirement for any other qualification or description of qualifications? If so, which qualification(s) and why?**  
**(Question 3)**

Where respondents believed that Ofqual should impose an accreditation requirement on other qualifications, there is a clear agreement across the majority of the responses as to the descriptions of qualifications that should be subject to accreditation, this includes:

- Core Maths, and English
- ESOL (for citizenship)
- Functional Skills
- Where a qualification gives the learner a 'license to practice'

Respondents suggested that a risk based approach is taken in determining whether a qualification is subject to accreditation and that there could be an inherent higher risk where the awarding organisation is newly recognised and offering 'high stake' qualifications.

*"There should be an initial accreditation requirement for any qualification which exam boards put forward for consideration as Core Maths. There are currently no subject criteria for Core Maths, but there are some common requirements for what might turn out to be a diverse set of qualifications." (Mathematics in Education and Industry)*

*"Yes any new types of qualifications e.g. Core Maths, Tech Levels, Applied General and any new quals that may be developed as part of the Apprenticeship Reforms." (AELP)*

*"Yes. Other qualifications that are high risk, for example: ESOL, any that confer a license to practice, any that accredit training which, if poor, could have serious consequences, e.g., First Aid, Food Hygiene, Fork Lift Truck Use, Child Care, Security etc. and Functional Skills, Mathematics and English." (Certa)*

*"The Federation suggests that there may be some qualifications, where there is agreement that they are 'high stakes' qualifications such as, for example, ESOL and Licence to Practice qualifications, where an accreditation requirement may be appropriate." (Federation of Awarding Bodies)*

Condition E6 (as quoted below) is appropriate to confirm our requirement that all regulated qualifications must appear on the Register of Regulated Qualifications. What is your view of the statement below? (Question 4)

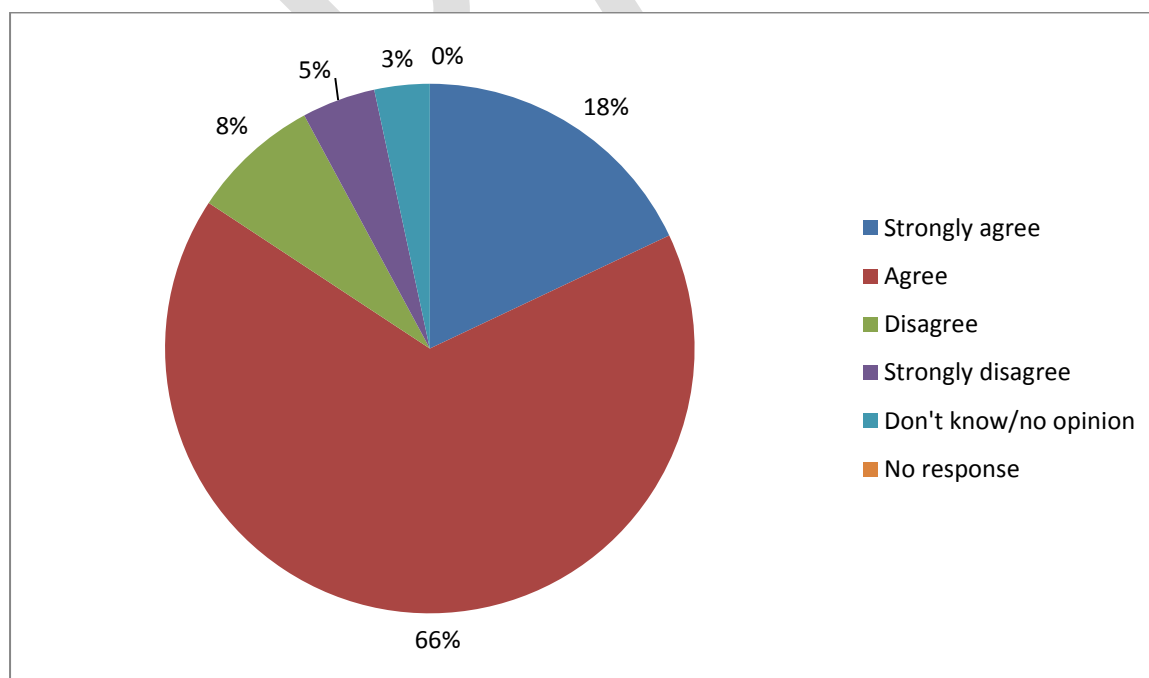
**Condition E6<sup>8</sup>**

**E6.1 An awarding organisation must not make available a qualification unless it has first submitted that qualification to the Register.**

**E6.2 An awarding organisation must ensure that its submission of a qualification to the Register:**

- (a) is in a form that may be published by Ofqual and revised from time to time**
- (b) includes the number of hours of guided learning that the awarding organisation has assigned to the qualification *[we anticipate that this aspect will change after we consult on guided learning hours]***
- (c) contains only accurate information**
- (d) contains all information about the qualification that is requested on the form.**

**Figure 8: Question 4 – Proposed changes to Condition ‘E6’**



**Figure 9:** Breakdown of question 4 by respondent type

	No response	Don't know / no opinion	Strongly agree	Agree	Disagree	Strongly disagree	Total	Total agree	Total disagree
All	0	3	16	59	7	4	89	84.3%	12.4%
Individual responses	0	0	2	6	0	1	9	88.9%	11.1%
Organisation responses	0	3	14	53	7	3	80	83.8%	12.5%
Awarding Organisation	0	2	10	47	7	3	69	82.6%	14.5%
Union	0	1	0	3	0	0	4	75.0%	0.0%
School/College	0	0	1	0	0	0	1	100.0%	0.0%
School/Teacher	0	0	1	0	0	0	1	100.0%	0.0%
Representative Group	0	0	1	0	0	0	1	100.0%	0.0%
Unspecified	0	0	2	3	0	0	5	100.0%	0.0%

The majority of respondents agree with the proposed Condition 'E6' as detailed above. However, most respondents are concerned that the Condition as drafted might be open to some degree of misinterpretation. Examples of where clarification is sought are included within the extracts from the consultation responses below. Footnote 10 (referring the reader to the use of the term 'qualification' to mean 'regulated qualification') is said to have provided a welcome clarification as to the intended purpose of Condition E6 and assisted respondents in the formation of their responses.

It is suggested that we need to explain the intended meaning of the Condition in order to avoid any potential for misunderstanding, or variable interpretation by different officers. The concern is as to whether all qualifications offered by an awarding organisation (including those that are currently referred to as non-regulated) must be on the Register. It is suggested that the current wording of the draft Condition could easily be misinterpreted to apply to 'all qualifications', rather than all regulated qualifications.

*"Whilst we agree that regulated qualifications should be submitted to The Register, Condition E6 does not say "regulated". This therefore needs adding. The definition of what a "regulated" qualification actually is, remains a grey area and therefore needs to be more clearly defined."* (IMI Awards Ltd)

There is a belief that Condition E6 is also covered (adequately) within existing conditions A1.3, B5.1, E2, E5 and I3.2.

Responses from Awarding Organisations invite Ofqual to clarify the proposed Condition E6 in the context of letters 'RO11/2013 and RO12/2013' and suggest that it would have been helpful to include in this consultation details of how Ofqual intends to identify the qualifications that are not on the Register but are still regulated qualifications.

The following is a breakdown of the responses in relation to the different parts of Condition E6.

**E6.1 An awarding organisation must not make available a qualification unless it has first submitted that qualification to the Register.**

It is strongly suggested by several respondents that the addition of the word 'regulated' within section E6.1 of Condition E6 would remove ambiguity; one response offers the following amendment to E6.1:

*"An awarding organisation must not make available a qualification, as a regulated qualification, unless it has first submitted that qualification to the Register"* (Chartered Manager Institute)

Further clarification of the wording of E6 is requested by many respondents and it is argued that in this context, 'regulated' is seen to be synonymous with 'accredited'.

**E6.2 An awarding organisation must ensure that its submission of a qualification to the Register:**

One response offers the following amendment to E6.2:

*"An awarding organisation must ensure that its submission of a qualification (to become a regulated qualification) to the Register"* (Chartered Manager Institute)

**(a) is in a form that may be published by Ofqual and revised from time to time**

Responses ask for clarity on the 'form' that is referred to within the proposed condition E6 and it is suggested that such clarity would have allowed for more detailed responses to this question.

Respondents asked for clarity around the use of 'time to time' and whether this refers to the qualification or the 'form' or both being updated periodically and whether there is a mandatory requirement to periodic updates in either case.

*"Further guidance would be helpful on what forms Ofqual may publish and what "revised from time to time" means"* (Pearson)



- (b) includes the number of hours of guided learning that the awarding organisation has assigned to the qualification *[we anticipate that this aspect will change after we consult on guided learning hours]***

Respondents are concerned that condition *E6.2(b)* will not be consulted upon and there will not be an opportunity to respond to the changes that will be made in light of the outcomes to the combined QCF/GLH consultation that is running concurrently to this consultation.

- (c) contains only accurate information**

It is questioned what benefit condition *E6.2* adds, as it is unclear as to what the requirements are and that requirements could be subject to change in the future.

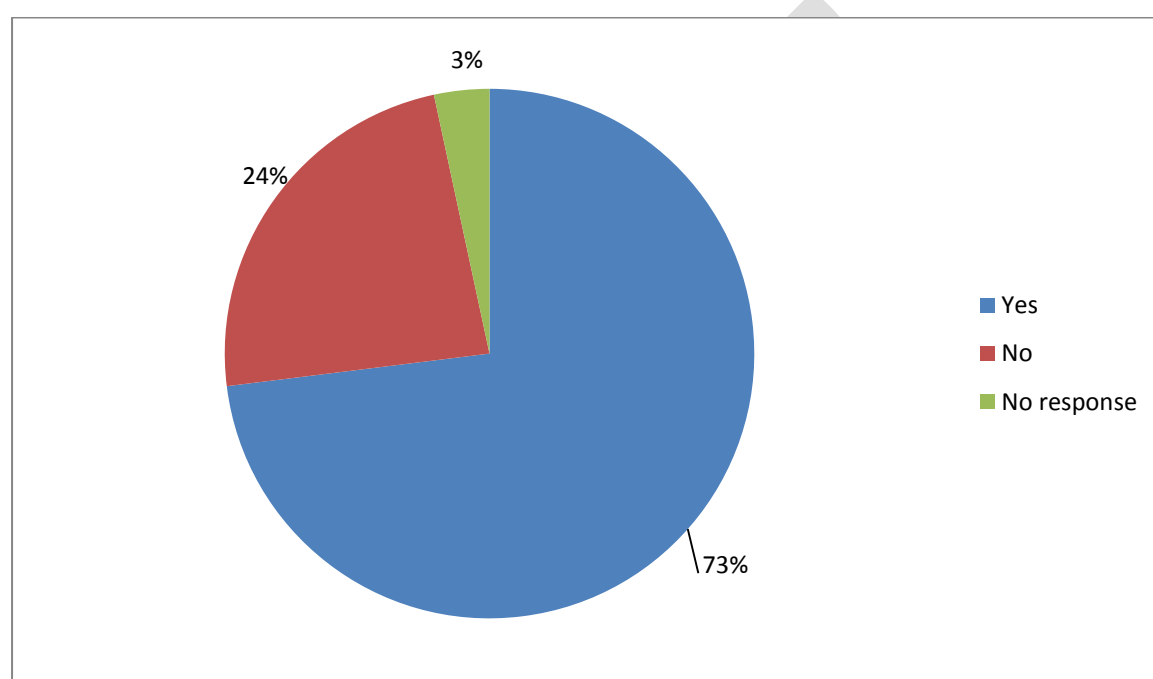
- (d) contains all information about the qualification that is requested on the form.**

Clarification is sought regarding *E6.2(d)*, specifically as to whether the '*form*' that is referenced is the current RITS system or a proposed new way of collating required information.

We provide statutory Guidance for a number of Conditions which sets out examples of compliance with specific Conditions. Awarding organisations are required to have due regard to this statutory Guidance.

**Would you welcome statutory Guidance from Ofqual about Condition E6?  
(Question 5)**

**Figure 10:** Question 5 – Would you welcome statutory Guidance from Ofqual about Condition E6?



**Figure 11:** Breakdown of question 5 by respondent type

	No Response	Yes	No	Total	Total yes	Total no
All	3	65	21	89	73.0%	23.6%
Individual responses	0	8	1	9	88.9%	11.1%
Organisation responses	3	57	20	80	71.3%	25.0%
Awarding Organisation	0	51	18	69	73.9%	26.1%
Union	2	1	1	4	25.0%	25.0%
School/College	0	1	0	1	100.0%	0.0%
School/Teacher Representative Group	0	1	0	0	100.0%	0.0%
Unspecified	1	3	1	5	60.0%	20.0%

The majority of the responses to question 5 would welcome statutory guidance on Condition E6. In addition to a suggestion that we provide comprehensive statutory

guidance on all Conditions, including Condition E6, guidance on the following aspects of the Condition was specifically suggested:

- Clear definition of ‘Guided Learning Hours’ (GLH)
- The interrelationship between GLH and Credit Values
- If any changes are proposed to GLH in the future.

In addition, it was suggested that Ofqual should ‘*clearly define what is and what isn’t considered a qualification and how awarding organisations should communicate non-qualification provision to Ofqual and to Users*’.

Specific responses that encompass the views widely expressed are:

*“Condition E6 imposes a number of requirements on awarding organisations that, in order to comply, they will need further technical guidance on. For example, condition E6.2(a) requires awarding organisations to submit qualifications ‘in a form that may be published by Ofqual and revised from time to time.’• Further guidance would be helpful on what forms Ofqual may publish and what ‘revised from time to time’ means. For Condition E6.2(d) statutory guidance would be helpful, detailing what information Ofqual requires in order that awarding organisations can satisfy themselves that they comply, before they submit.” (Pearson)*

*“Ofqual guidance needs to be clear, unambiguous and cover all aspects fully. If this level of guidance material is made available, CIM would be able to implement with more confidence and have assurance processes that adhere to Ofqual conditions. By having access to clear guidance, this would enable awarding organisations to focus on other aspects of the business; such as developing market opportunities - rather than spending time retrospectively trying to decipher why their qualifications have failed to meet Ofqual standards.” (The Chartered Institute of Marketing (CIM))*

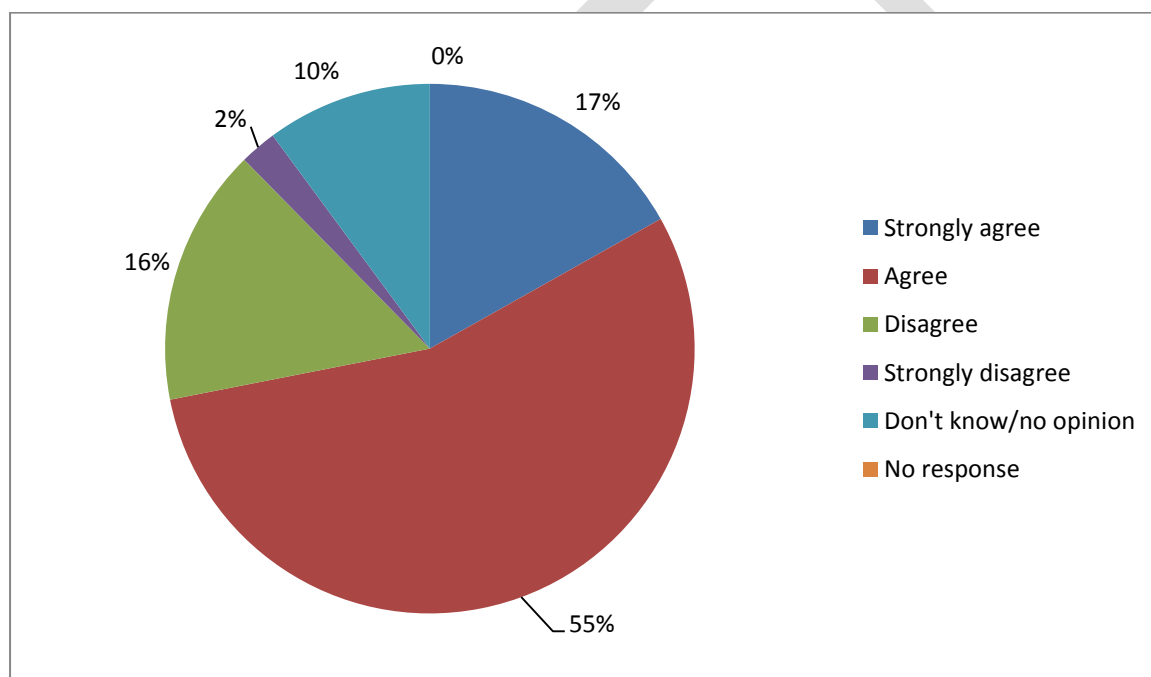
The draft accreditation criterion (quoted below) is appropriate to allow us to decide, where an accreditation requirement applies, whether we should accredit a new qualification:

“An awarding organisation must demonstrate to Ofqual’s satisfaction that it is capable of complying, on an on-going basis, with all of the General Conditions of Recognition that apply in respect of the qualification for which it is seeking accreditation, including all relevant Qualification Level Conditions and Subject Level Conditions.”

What is your view of this statement?

(Question 6)

**Figure 12:** Question 6 – Whether the draft accreditation criterion is appropriate to allow us to decide, where an accreditation requirement applies, whether we should accredit a new qualification.



**Figure 13:** Breakdown of question 6 by respondent type

	No response	Don't know / no opinion	Strongly agree	Agree	Disagree	Strongly disagree	Total	Total agree	Total disagree
All	0	9	15	49	14	2	89	71.9%	18.0%
Individual responses	0	0	2	7	0	0	9	100.0%	0.0%
Organisation responses	0	9	13	42	14	2	80	68.8%	20.0%
Awarding Organisation	0	7	12	35	13	2	69	68.1%	21.7%
Union	0	1	0	3	0	0	4	75.0%	0.0%
School/College	0	0	0	1	0	0	1	100.0%	0.0%
School/Teacher	0	0	0	1	0	0	1	100.0%	0.0%

Representative Group									
Unspecified	0	1	1	2	1	0	5	60.0%	20.0%

Responses indicate broad agreement with the proposed accreditation criterion, as set out in question 6. However, the qualitative responses to this question seek further clarity on specific General Conditions for different types of qualifications. It has been suggested that the proposed wording should make clear any distinction that will be made between General and Vocational Qualifications, with some respondents suggesting the current wording might apply only to General Qualifications.

Respondents request that there is a further opportunity to comment on the proposed criterion once the outcomes of the specific QCF/GLH consultation are known.

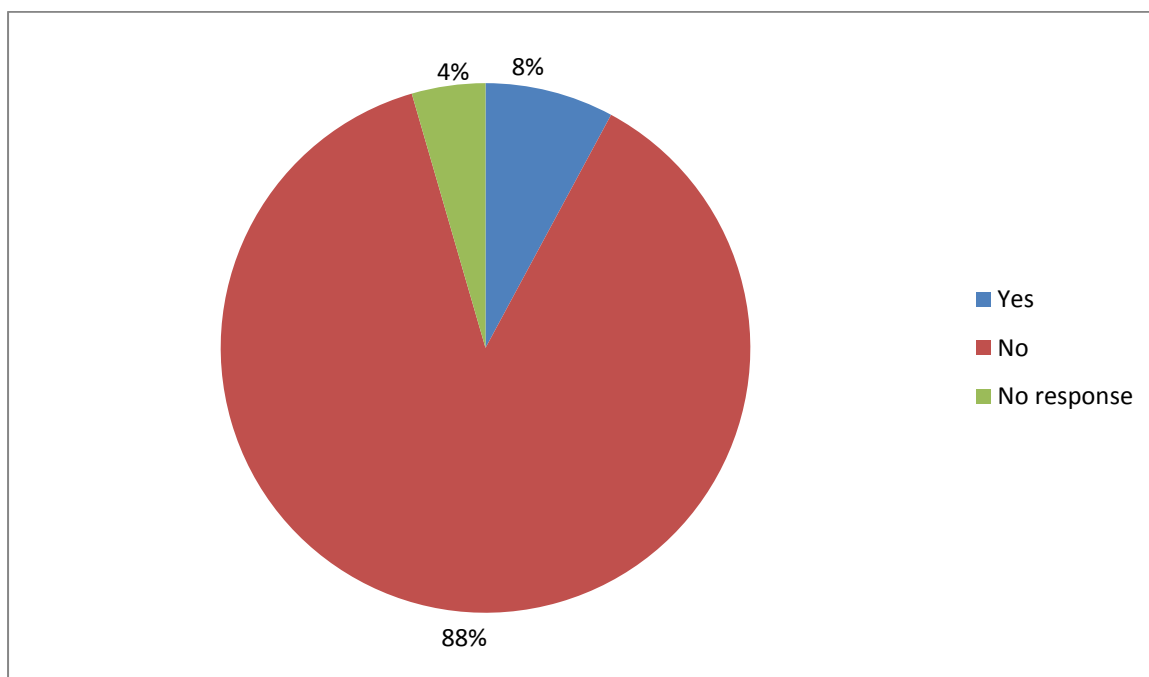
*“We agree but with a caveat that it is clarified that the Qualification Level Conditions and Subject Level Conditions are applicable to General Qualifications only. The criterion therefore needs re-wording.” (OCN London)*

*“We agree that AOs need to demonstrate compliance with the General Conditions; however the Qualification Level and Subject Conditions relate to GCEs. It is unclear if Ofqual are expecting AOs to comply with these conditions which is not appropriate to most AOs.” (CIPS)*

*“However it is difficult to agree or disagree with this statement until we understand what is meant by Qualification Level Conditions and Subject Level Condition.” (HABC)*

**Are there any specific positive or negative impacts on people who share particular protected characteristics that we should consider in relation to these proposals? (Question 7)**

**Figure 14:** Question 7 – Are there any specific positive or negative impacts on people who share particular protected characteristics that we should consider in relation to these proposals?



**Figure 15:** Breakdown of question 7 by respondent type

	No Response	Yes	No	Total	Total yes	Total no
All	4	7	78	89	7.9%	87.6%
Individual responses	1	2	6	9	22.2%	66.7%
Organisation responses	3	5	72	80	6.3%	90.0%
Awarding Organisation	0	3	66	69	4.3%	95.7%
Union	2	1	1	4	25.0%	25.0%
School/College	0	0	1	1	0.0%	100.0%
School/Teacher Representative	0	0	1	1	0.0%	100.0%
Group	0	0	1	1	0.0%	100.0%
Unspecified	1	1	3	5	20.0%	60.0%

The majority of responses indicate that there are no specific positive or negative impacts on people who share particular protected characteristics to be considered. Out of the respondents who answered 'yes' and gave further details, these responses are summarised below. Respondents are concerned that our proposals might attribute unequal status to General and Vocational qualifications and that this could have the potential negatively to impact on learners with protected characteristics.

*“An unintended consequence of requiring only AS, A Levels and GCSEs to be accredited may be that these regulated qualifications come to be more highly regarded than other regulated qualifications. Even if this does not happen, it seems likely that the accredited qualifications will be automatically funded by relevant funding agencies, while other qualifications might find it more difficult to acquire public funding. Either consequence could disproportionately and adversely affect learners who share a particular characteristic, e.g., those with learning difficulties and disabilities, greater proportions of whom use vocational qualifications. More generally, we would like to emphasise the point that all learners who share particular characteristics have an equal right of access to regulated qualifications and that no group of learners should be excluded from the regulated qualification market on the basis of their protected characteristics. The risk should be reduced by ensuring that measures are put in place to ensure that learners who share particular characteristics have equal access to all categories of regulated qualifications. In addition, widening the scope of Equality Impact Assessments to include the impact of proposals on the public understanding of the different categories of regulated qualifications and how this might adversely affect learners who share particular characteristics.” (Certa)*

*“Analysis needs to be undertaken as to whether people with protected characteristics are more (or less) likely to present as candidates for certain types of qualification (e.g. are students with learning difficulties and/or disabilities more likely to take certain kinds of qualifications for which Ofqual is proposing to lift the current accreditation requirement?) If this is the case, there may be positive or negative impacts depending on how the status of particular qualifications (and their acceptance or otherwise by employers and further/higher education providers) changes as a result of these proposals. Any possible negative impacts could be avoided by withdrawing the proposals.” (Voice: the union for education professionals)*

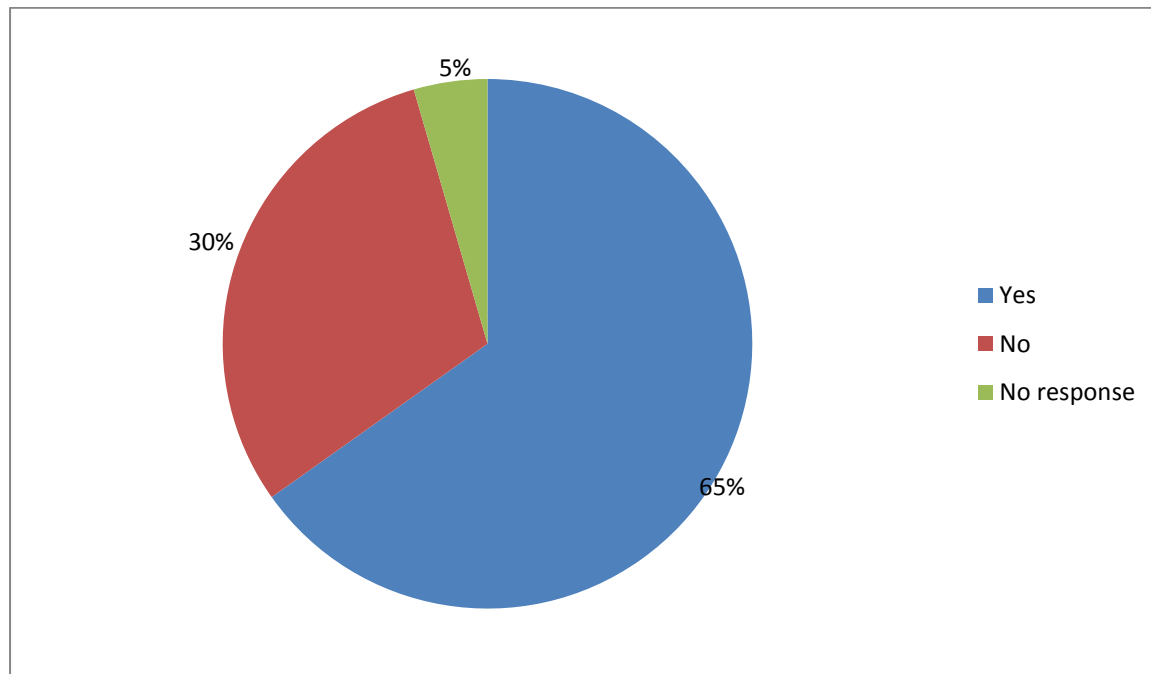
*“People should not be disadvantaged according to the areas outlined in current legislation. Neither should such areas work in their favour, thus disadvantaging others. With many vocational qualifications, achievement should indicate a person's ability to perform effectively in a work. When determining the criteria for what is a qualification it is important to remember the different aspects of learning and interests held by individuals; a qualification is not always determined by mass employments statistics or high volume of learners. There is a lifelong learning model*

*which is still very live and important in society today and areas of specialist interest which would not appeal to large volumes of learners but never the less important, such as social conflict mediation etc. within Northern Ireland this is important to ensure the continued development of people and industry within our country.” (Open College Network (Northern Ireland))*



**Are there any positive or negative regulatory impacts we should consider in relation to these proposals? (Question 8)**

**Figure 16:** Question 8 – Are there any positive or negative regulatory impacts we should consider in relation to these proposals?



**Figure 17:** Breakdown of question 8 by respondent type

	No Response	Yes	No	Total	Total yes	Total no
All	4	58	27	89	65.2%	30.3%
Individual responses	0	4	5	9	44.4%	55.6%
Organisation responses	4	54	22	80	67.5%	27.5%
Awarding Organisation	0	51	18	69	73.9%	26.1%
Union	2	2	0	4	50.0%	0.0%
School/College	0	0	1	1	0.0%	100.0%
School/Teacher Representative	0	0	1	1	0.0%	100.0%
Group	0	0	1	1	0.0%	100.0%
Unspecified	2	1	2	5	20.0%	40.0%

Responses to question 8 indicate that a majority of respondents agree that there are regulatory impacts that should be considered.

In summary, the detailed responses provided to question 8 indicate a general view that there is a potential for qualifications, both General and Vocational, to be placed on the Register which do not conform to an appropriate quality standard.

Respondents believe this is currently prevented by accreditation and that if the requirement for accreditation is lifted, there may be insufficient controls in place to ensure that qualifications on the register are fit for purpose. This could have a negative impact on users of qualifications and on the resources of the regulator and awarding organisations.

It is suggested that the proposals do not represent a decrease in the regulatory burden on awarding organisations and that the current system ensures that qualifications are of a high quality, with the current process of accreditation being understood by all involved. However, there is an opportunity for both awarding organisations and regulator to focus resources correctly on safeguarding the validity and quality of qualifications if the proposals are robust with correct and consistent implementation.

Respondents are also concerned how any differences in accreditation requirements in Wales and Northern Ireland might affect how awarding organisations operate within the different territories, and also how any differences could affect the burden on awarding organisations.

## Appendix A: List of organisational consultation respondents

When completing the questionnaire, respondents were asked to indicate whether they were responding as an individual or on behalf of an organisation.

Below we list those organisations that submitted a response to the consultation. We have not included a list of those responding as an individual or those who had requested that their responses are treated confidentially, however all responses were given equal status in the analysis.

Rockschool	CPCAB
NFoPP Awarding Body	TLM
Association of School and College Leaders	English Speaking Board
MLTE	Association of Colleges
NCFE	Focus Awards Limited
Open Awards	CIPS
AELP	WCF
Awarding First	Chartered Manager Institute
AAT	PAAVQSET
OCN London	FDQ
British Institute of Facilities Management	IoCM
Signature	WJEC CBAC
Institute of Hospitality Awarding Body	Institute of Qualified Lifeguards
HABC	GQA Qualifications Ltd
Trinity College London	National Council for the Training of Journalists
IB	NCC Education
Safety Training Awards	FPSB UK
Imperial Society of Teachers of Dancing	Agilisys Arch
Excellence, Achievement & Learning Ltd	Colleges Northern Ireland
Cambridge English Language Assessment	Engineering Construction Industry Training Board (ECITB)
ACCA	HMC
Institute of Credit Management (ICM)	Pearson
ABC Awards	Cambridge International Examinations
IMI Awards Ltd	Association of Teachers and Lecturers
Mathematics in Education and Industry	Scottish Qualifications Authority
Chartered Institute for Securities & Investment	Certa
Federation of Awarding Bodies	The Chartered Quality Institute
Ascentis	North West Regional College
Voice: the union for education professionals	Gateway Qualifications
Royal Academy of Dance	iCQ
The Chartered Institute of Marketing (CIM)	Sports Leaders UK
Lifetime Awarding Ltd	NOCN
AQA	Association of International Accountants

Open College Network (NI)	(AIA)
WCSM	Laser Learning Awards
The Chartered Institute of Legal Executives	Future (Awards and Qualifications) Ltd
CACHE (Council for Awards in Care, Health and Education)	OCR Examinations Board
	BIIAB

## **Appendix B: Consultation details**

The consultation questions were available to either complete online or to download.

A copy of the consultation is available at <http://comment.ofqual.gov.uk/lifting-the-accreditation-requirement/>

DRAFT

## **Appendix C: Negative Responders**

We have not included in this list those responding as an individual or those who had requested that their responses are treated confidentially.

Association of School and College  
Leaders

IoCM

Signature

GQA Qualifications Ltd

Institute of Credit Management (ICM)

Association of Teachers and Lecturers

Mathematics in Education and Industry

Voice: the union for education  
professionals

iCQ

NASUWT

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## **Annex B**

### **Condition E6      Submitting qualifications to the Register**

- E6.1 An awarding organisation must not make available a qualification unless it has first submitted that qualification to the Register.
- E6.2 An awarding organisation must ensure that its submission of a qualification to the Register –
- (a) is in a form that may be published by Ofqual and revised from time to time,
  - (b) includes the number of hours of guided learning that the awarding organisation has assigned to the qualification (if any) *[we are currently consulting on potential further changes to this aspect, to reflect our proposed new approach to measuring the size of a qualification]*,
  - (c) contains only accurate information, and
  - (d) contains all information about the qualification that is requested on the form.



## **Annex C**

### **Accreditation Criterion for all qualifications other than GCSE, GCSE9-1 and GCE (linear and modular)**

An awarding organisation must demonstrate to Ofqual's satisfaction that it is capable of complying, on an on-going basis, with all of the General Conditions of Recognition that apply in respect of the qualification for which it is seeking accreditation, including all relevant Qualification Level Conditions and Subject Level Conditions.