

To:

Mr Munir Lone
Responsible Officer
Awarding Body for Vocational Achievement Ltd
27 Sheet Street
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Withdrawal of Recognition

In accordance with its powers under section 152(1) and 152(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (the 2009 Act), and pursuant to its obligations under section 152(6) of the 2009 Act, the Office of Qualifications and Examinations Regulation (Ofqual) has withdrawn recognition from Awarding Body for Vocational Achievement Ltd (AVA) in respect of the award or authentication of every qualification and description of qualification in respect of which AVA was recognised, with effect from 1700 on 4 May 2018.

This decision was made on 4 May 2018 by an Enforcement Committee comprising three members of Ofqual's Board:

Hywel Jones (Chair);
Frances Wadsworth;
Christine Ryan.

Background

Awarding Body for Vocational Achievement

1. AVA was recognised by Ofqual on 1 April 2010, under recognition number RN5233, for the award of a variety of vocational qualifications. On 4 May 2018, AVA had 43 active qualifications on the Register of Regulated Qualifications, predominantly concerning business management. There were no registered learners on any AVA qualification on 4 May 2018.

The First Investigation

2. Between 1 August 2017 and 3 November 2017, Ofqual conducted an investigation into AVA's compliance with the General Conditions of Recognition (the Conditions). The final report of that investigation was dated 8 November 2017.
3. On 9 March 2018, AVA gave an undertaking, within the meaning of Condition B8, for the purposes of which AVA admitted:
 - a. That it did not have adequate controls in relation to the identification of conflicts of interest;
 - b. That it did not have adequate controls in relation to the retention of information relevant to the development, delivery and award of regulated qualifications;
 - c. That it was likely to breach the Conditions if it were to issue results or certificates before resolving the weaknesses in its various controls.
4. The undertaking provided that AVA would cease registering new learners for its qualifications and would not permit colleges to enrol new learners for AVA qualifications.
5. The undertaking provided also that AVA would not issue any results or certificates without Ofqual's prior consent.

The Malpractice Incident

6. In November 2017, AVA was made aware by the BBC of an alleged malpractice incident affecting one of the colleges which was then approved by AVA for the delivery of regulated qualifications.
7. AVA did not notify Ofqual about the alleged malpractice incident, which was brought to Ofqual's attention by another awarding organisation.

The Second Investigation

8. Between 29 January 2018 and 2 March 2018, Ofqual conducted a further investigation into AVA's compliance with the Conditions. The investigation was commissioned because Ofqual was concerned that AVA might have breached the Conditions as a result of, and in connection with, the alleged malpractice incident.

9. On 19 April 2018, Ofqual served on AVA the final report in respect of its second investigation. In that report, Ofqual identified significant failings in AVA's systems for the delivery and award of regulated qualifications, including:
 - a. Defects in AVA's arrangements for collecting and retaining information necessary for the secure delivery and award of regulated qualifications;
 - b. Defects in AVA's arrangements for the approval of colleges to ensure the secure and consistent delivery of AVA qualifications;
 - c. Defects in AVA's arrangements for the management of colleges to ensure the secure and consistent delivery of AVA qualifications;
 - d. Defects in AVA's arrangements for the prevention and detection of malpractice and maladministration;
 - e. Defects in AVA's investigation of the alleged malpractice incident, including failing to follow its own processes and failing adequately to investigate the alleged incident;
 - f. Defects in AVA's arrangements to secure that certificates and replacement certificates will be issued only to learners with a valid entitlement.

10. Ofqual's investigation also identified that AVA had in the past given inaccurate information to Ofqual concerning the number of certificates it had issued for two qualifications.

Regulatory Action

11. On 1 May 2018, Ofqual notified AVA that it considered, in view of the outcome of the second investigation, that AVA had breached a number of the Conditions and that withdrawal of recognition was indicated as a result of the nature and scale of those alleged breaches.

12. On 3 May 2018, AVA admitted that it had breached the Conditions as alleged by Ofqual and further admitted that withdrawal of recognition was proportionate in view of the nature and scale of those breaches.

13. On 4 May 2018, in light of the admissions made by AVA, Ofqual determined that AVA had breached the Conditions, including:

- a. Conditions A5.1 and A5.2, by reason of the defects in its arrangements for collecting and retaining information necessary for the secure delivery and award of regulated qualifications;
- b. Conditions C1.1, C2.2, C2.3, by reason of the defects in its arrangements for the approval and management of colleges to ensure the secure and consistent delivery of AVA qualifications;
- c. Condition A8.1, by reason of the defects in its arrangements for the prevention and detection of malpractice and maladministration;
- d. Condition A8.2 and A8.3, by reason of the defects in its investigation of the alleged malpractice incident, failure to follow its own processes and failure adequately to investigate the alleged incident;
- e. Condition I4.1, by reason of the defects in AVA's arrangements to secure that certificates and replacement certificates will be issued only to learners with a valid entitlement.

14. On the same date, having considered its statutory objectives and duties, had regard to its policy *Taking Regulatory Action (2012)*, and in view of AVA's admission that withdrawal of recognition would be proportionate, Ofqual decided that recognition would be withdrawn from AVA.

15. Having decided to withdraw recognition, and in view of the undertaking which secured that there are no learners currently enrolled on, waiting for assessment in respect of, or awaiting results or certificates for any AVA qualification, Ofqual decided that withdrawal of recognition would have immediate effect and that no saving or transitional provisions would be made.

Matthew Humphrey
Director, Legal Moderation and Enforcement
16 May 2018