

CORPORATE REPORT

Regulatory Burden Statement 2019

ofqual

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Introduction

This statement explains how we reviewed our work in the last 12 months to make sure we did not introduce or maintain unnecessary burden on awarding organisations¹. It also sets out how we propose to manage regulatory burden on awarding organisations in the next 12 months.

Any requirement we place on awarding organisations is a burden. We evaluate burden as part of regulation and as such our objective is not to remove burden, rather to ensure that it is always exceeded by the benefits achieved through the measures we employ. We also consider how our requirements impact more widely, such as how schools, colleges and learners will be affected.

Our approach to regulatory burden has been informed by the government's better regulation agenda to cut red tape and boost UK productivity. This includes our contribution to the business impact target (BIT). For the period 9 June 2017 to 20 June 2018, we published a summary of our non-qualifying regulatory provisions² as required by the legislation that governs BIT. In July 2018, we also published our approach to the growth duty³. When we carry out our regulatory functions, we balance them in a way that best delivers on our growth duty obligations.

When compared to last year the overall picture looks similar. There are examples where we have decreased burden by making improvements to the Portal, streamlining processes and developing the Ofqual Handbook. There are also areas where we have introduced new rules due to the changes in the vocational and technical qualifications sector. For example, the new rules for the reformed Functional Skills qualifications in English and mathematics. We believe any burden we impose to be proportionate to meet our objectives and duties.

¹ <http://www.legislation.gov.uk/ukpga/2009/22/section/170>

² <https://www.gov.uk/government/publications/business-impact-target-2017-to-2018-ofqual>

³ <https://www.gov.uk/government/publications/ofquals-approach-to-the-growth-duty>

Reviewing our work, April 2018 to March 2019

We have reviewed our work and how we managed burden in the last 12 months. We did this by:

1. Measuring the impact of our regulatory changes on awarding organisations and others. We published cost-benefit analysis in regulatory impact assessments using cost evidence gathered from awarding organisations. This helps us understand how much burden our proposals may impose on awarding organisations. For example, we assessed the expected costs on awarding organisations of introducing our requirements for the new Functional Skills English and mathematics qualifications.
2. Being aware of the volume of change in the vocational and technical qualification sector. We made sure that we engaged with awarding organisations about the changes we were making. We then published our consultations in sequence to assist awarding organisations' capacity to engage with them. We also listened to feedback from sector representatives about the volume of other activities that awarding organisations were expected to participate in. This led us to give more time for awarding organisations to undertake some activities such as updating qualifications with total qualification time on our Register.
3. Continuing our review of our regulatory framework. To ensure consistency, we adjusted our rules for Advanced Extension Awards so they aligned with the rules for reformed A levels.
4. Being mindful of how and when we collect data and information from awarding organisations. In advance, we publish our standard data requirements in our reporting and data schedules. This is so awarding organisations can plan their submissions during the year. The exam boards and our fellow regulators, Qualifications Wales and the CCEA Regulation, also attend the data forum group. The group discusses how we can work together to mitigate or remove burden when we make requests for data.
5. Launching the Ofqual Handbook, an online, interactive version of our rules and guidance. This makes our rules and their associated guidance easier to navigate and more accessible to awarding organisations by putting them in one place. We have also adopted this format for our new rules for Technical Qualifications.
6. Continuing to develop and enhance the Portal, our online system for communicating with awarding organisations. We launched further options to make our communications with awarding organisations more effective, including sending automatic emails to notify them when action was required.

The Portal has also meant that we have reduced our response times to enquiries from our awarding organisations by over 50%.

7. Planning the release of our communications in a way that helps awarding organisations engage with them. This means awarding organisations can ensure that they are up to date with our regulatory requirements and initiatives in a managed way.
8. Sharing our findings from audits, wherever possible, so that all awarding organisations can benefit from our insights regarding the current practice of other awarding organisations.
9. Engaging with organisations before they submit a recognition application to us. We make information available to applicants and offer the opportunity to meet with experienced Ofqual staff. If they become regulated, applicants will understand what is expected of them.
10. Producing a series of videos for new and existing awarding organisations called 'Ofqual explains'. The videos are designed to aid understanding and awareness of the content, language and structure of our rules.
11. Working with the Institute for Apprenticeships and Technical Education (the Institute) to make sure we do not duplicate or replicate information we request from awarding organisations. In relation to Technical Qualifications in T Levels, we have established a Quality Framework with the Institute designed to minimise burden and avoid duplication. This included designing the process to apply for recognition to offer Technical Qualifications to use the documentation submitted for the Institute's bidding process.
12. Working with Qualifications Wales and the CCEA Regulation to bring together feedback on our respective conditions. This is to make sure that when we do make changes we only do so where necessary and that any divergence is minimised. This is to make sure our rules remain coherent between the individual regulators.
13. Ensuring that our enforcement action was necessary. For example, we used our fining powers only when needed and in a way that was proportionate to the circumstances of the individual case.

Reviewing our work and managing regulatory burden, April 2019 to March 2020

In the next 12 months, we will continue to keep our work under review and manage burden. We aim to do this by:

1. Continuing to review our regulatory framework to identify whether any of our rules or guidance need to be updated, amended or withdrawn in order to keep the framework fit for purpose.
2. Continuing to develop and refine the evidence we have for our cost-benefit analysis in regulatory impact assessments. The information will inform our impact assessment calculations, minimise burden where appropriate and help improve our decision making.
3. Developing the Ofqual Handbook so that it includes qualification level rules for GCSE, AS and A level qualifications.
4. Continuing to work with the Institute for Apprenticeships and Technical Education. We are designing processes that streamline the approval and accreditation process for Technical Qualifications, including for the submission of documentation to both the Institute and Ofqual, to avoid duplication.
5. Wherever possible, working with Qualifications Wales and the CCEA Regulation, as we regulate many of the same awarding organisations.
6. Continuing to evaluate whether our rules for reformed general qualifications have worked as we intended, refining our rules if necessary.

We will continue to identify opportunities in our regulatory activities and processes to reduce or not maintain unnecessary burden. We will also listen and respond to any feedback from awarding organisations that we are imposing or maintaining unnecessary burden on them.



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