

**UNDERTAKING GIVEN BY THE CITY AND GUILDS OF LONDON
INSTITUTE (“CITY & GUILDS”) TO THE OFFICE OF QUALIFICATIONS
AND EXAMINATIONS REGULATION (‘OFQUAL’), IN ACCORDANCE
WITH B8 OF THE GENERAL CONDITIONS OF RECOGNITION (THE
‘CONDITIONS’)**

Background

1. In 2018 and 2019, a number of internal and external reviews highlighted areas of potential non-compliance in relation to City & Guilds’ development, delivery and award of qualifications.

Independent Review

2. In November 2019, we asked City & Guilds to commission an independent review of its controls for the development and delivery of Technical qualifications¹. The objective of this review was to identify, understand and test, on a non-statistical basis, controls for the development and delivery of Technical qualifications. This included the Assessment, Operations, IT and Regulation and Audit teams as applicable, in compliance with Ofqual’s Conditions. The scope of the review included:

- a) Leadership and Governance
- b) Risk and issue management
- c) Roles and Responsibilities
- d) Reporting

3. This review identified certain weaknesses in City & Guilds’ processes for developing Technical qualifications which may lead to undetected errors and quality weaknesses, as well as issues in identifying errors and in managing errors once identified. In summary, the review identified areas for improvement in relation to City & Guilds’:

- a) Governance Structure
- b) Quality Assurance
- c) Assessment Development process
- d) Risk Management Framework
- e) Incident Management Process
- f) Exam Marking Quality Processes

4. Whilst the focus of the independent review was on City & Guilds’ Technical qualifications, the issues that were identified in relation to Governance Structure, Risk Management Framework and Incident Management Process could apply more broadly to City & Guilds’ full offer of regulated qualifications.

¹ Technical qualifications (also known and referred to as Technicals) are comprised of an examination and synoptic assignment and are designed for 14-19 year olds, across a range of different sector areas. They are recognised on a par with GCSEs and A Levels and carry UCAS points at both level 2 and level 3.

Event Notifications

5. Ofqual conducted an analysis of all event notifications submitted by City & Guilds in 2018 and 2019 under General Condition B3. Most of the event notifications related to assessment material errors resulting in the content of the assessments in question not being fit for purpose. A substantial number of event notifications related to 'delivery failures' of various kinds which were mostly attributed to 'human error' or 'technical issues' within City & Guilds' systems. Some incidents resulted in City & Guilds issuing incorrect results. In all cases, City & Guilds appears to have acted quickly and appropriately to address the issues as soon they were identified.

Failure to comply with Conditions

6. In response to the independent review and Ofqual's review of event notifications, City & Guilds admits that it has breached the following General Conditions of Recognition:
 - a) A5 - Availability of adequate resources and arrangements
 - b) A6 - Identification and management of risks
 - c) A7 - Management of Incidents
 - d) G8 - Completion of the assessment under the required conditions
 - e) G9 - Delivering the assessment
 - f) H1 - Marking the assessment
 - g) H5 - Results for a qualification must be based on sufficient evidence
 - h) H6 - Issuing results

Undertaking

7. In order to address the issues set out above, City & Guilds hereby undertakes to:
 - a) perform the actions set out in Annex 1 ("the Action Plan") within the timescales set out therein;
 - b) provide written updates on a monthly basis after the date of this undertaking to its Audit and Risk Committee², its Quality and Standards Committee and Ofqual, which must include:
 - i. a report on its progress against the actions set out in the Action Plan;
 - ii. a report identifying any risk that the timescales set out in the Action Plan or this undertaking may not be met; and
 - iii. a report on any actions that have been completed, including how any changes have been embedded and an evaluation of the effectiveness of those actions in securing compliance with its Conditions of Recognition.
 - c) provide to Ofqual as soon as practicable after approval by the Audit and Risk Committee or Quality and Standards Committee (as applicable) all relevant excerpts from the records of meetings of its Audit and Risk

² The Audit and Risk Committee reports quarterly to City & Guilds' Trustee Board

Committee and its Quality and Standards Committee in which the written updates provided under paragraph 7(b) are considered;

- d) invite Ofqual to attend its Quality and Standards Committee when it reviews the completion by City & Guilds of the Action Plan; and
- e) provide to Ofqual a statement of assurance, confirming that:
 - i. the Action Plan has been completed;
 - ii. the actions taken in accordance with that plan have been effective in addressing the non-compliance set out in this undertaking (supported by evidence); and
 - iii. it is fully compliant with its Conditions of Recognition at the date of the statement.

This statement of assurance must be provided to Ofqual in writing via the Portal on or before **31 March 2022** and must be authorised and signed by its Governing Body and its Quality and Standards Committee.

8. In the event that it is unable to provide to Ofqual a statement of assurance in the terms set out at paragraph 7(e) above, City & Guilds undertakes to:

- a) provide to Ofqual a statement of non-compliance which sets out (where applicable):
 - i. which aspects of the Action Plan have not been completed, why those actions have not been completed and the date by which it expects to complete each action;
 - ii. which actions have not been effective in addressing the non-compliance set out in this undertaking and why;
 - iv. each instance of non-compliance with its Conditions of Recognition at the date of the statement and the date by which City & Guilds expects to rectify the failure(s).

This statement of non-compliance must be provided to Ofqual in writing via the Portal on or before **31 March 2022** and must be authorised and signed by its Governing Body and its Quality and Standards Committee.

9. If Ofqual reasonably considers it is necessary at any stage during the operational period of this undertaking³, or within a reasonable time period thereafter, City & Guilds undertakes to:

- a) commission a further independent review of its controls for the development, delivery and award of its qualifications and must:

³ The operational period of the undertaking shall be the period between the date of this undertaking and the date that City & Guilds submits to Ofqual either a statement of assurance under paragraph 7(e) or a statement of non-compliance under paragraph 8 of this undertaking.

- i. provide written details to Ofqual of the consultants it intends to engage to conduct the review, for approval by Ofqual prior to engagement, which Ofqual will not unreasonably withhold;
- ii. provide to the consultants all findings from any previous relevant review, audit and/or investigation;
- iii. provide Ofqual with the proposed Terms of Reference and scope of the review, for approval by Ofqual prior to commencement, which Ofqual will not unreasonably withhold;
- iv. submit written progress reports to its Audit and Risk Committee, Quality and Standards Committee and Ofqual, at a frequency to be determined by Ofqual, such reports to include anticipated timescales for completion of the review;
- v. upon completion of the review, provide its Audit and Risk Committee, its Quality and Standards Committee and Ofqual with a written copy of the outcome of the review, including any findings and recommendations made; and
- vi. consider the outcome and findings of the review and implement any necessary recommendations in line with its Conditions of Recognition and inform its Audit and Risk Committee, its Quality and Standards Committee and Ofqual of any steps taken accordingly.

Declaration

In giving this undertaking, I acknowledge on behalf of City & Guilds that:

- a) The rules of interpretation and definitions outlined in General Condition J1 shall apply to this Undertaking;
- b) Ofqual will publish this undertaking (but not the Action Plan at Annex 1) on a date to be confirmed following consultation with City & Guilds;
- c) Ofqual will provide information to Qualifications Wales and the Institute for Apprenticeships and Technical Education about City & Guilds' performance under this undertaking, including the sharing of any updates provided by City & Guilds and Ofqual's analysis of it⁴;
- d) Ofqual may take regulatory action in respect of any failure to comply with the terms of this undertaking which may include the issue of a Direction, the imposition of a Monetary Penalty, Withdrawal of Recognition, Costs Recovery, and/or any other such action as it deems appropriate, acting in accordance with Ofqual's 'Taking Regulatory Action' policy (2012⁵);
- e) Nothing within this undertaking restricts Ofqual's ability to conduct its own review, audit, investigation and/or other monitoring activity of City & Guilds at any time.

⁴ In accordance with sections 156 and 157 of the Apprenticeships, Skills, Children and Learning Act 2009.

⁵ And as amended from time to time.

Signed: (Redacted)

Name: DAVID SHORT

Responsible Officer
The City and Guilds of London Institute

Date: 19 May 2021