



Vistar: Notice of intention to withdraw recognition

In accordance with its powers under s.152(3) and s.152(4) of the Apprenticeships, Skills, Children and Learning Act 2009 (the 2009 Act), the Office of Qualifications and Examinations Regulation (Ofqual) has given Vistar Qualifications Limited “Vistar” notice that it intends to withdraw recognition in respect of the award or authentication of every qualification and description of qualification for which Vistar is recognised by Ofqual. The proposed withdrawal would have effect from 5pm on 31 August 2023.

This decision was made on 3 August 2023 by an Enforcement Committee comprising three members of Ofqual’s senior staff:

Michael Hanton, Deputy Chief Regulator

Richard Garrett, Director of Policy and Strategic Relationships for General Qualifications

Tom Barcham, Director Strategy and Markets

Statement of Reasons

Background

1. Vistar Qualifications was recognised by Ofqual on 1 March 2022.
2. Vistar has 9 End Point Assessments on Ofqual’s register of qualifications.
3. In June 2023, Vistar notified Ofqual that it no longer had a Governing Body following the death of its sole director and shareholder. Vistar informed Ofqual that it wished to surrender recognition by the end of August 2023, however it did not have capacity to voluntarily surrender recognition. Vistar confirmed to Ofqual that the position in respect of the Governing Body would not change.
4. Vistar voluntarily submitted a withdrawal plan to Ofqual. Vistar informed Ofqual that it had made arrangements to transfer learners to another awarding organisation. For a small number of existing learners in progress, Vistar has provided Ofqual with assurance that it has the capability and capacity to see the learners through to the issuing of results and that quality assurance processes remain in place.
5. In July 2023, Vistar informed Ofqual that it no longer had an appointed Responsible Officer as a consequence of there being no Governing Body.

Notice of Intention to withdraw recognition

6. On 3 August 2023, the Enforcement Committee considered withdrawal of recognition from Vistar.
7. Following the Enforcement Committee's deliberations, Ofqual has issued a Notice of Intention to withdraw recognition, in accordance with s152(3) and s152(4) of the 2009 Act. That notice explained the Enforcement Committee's reasons for concluding:
 - a. that, by reason of failure to appoint a new Governing Body and Responsible Officer, Vistar has failed to comply with the General Conditions of Recognition, specifically Conditions A1, A5 and B1;
 - b. that it is proportionate that recognition should be withdrawn in full; and
 - c. that no saving or transitional provisions have been identified at the present time.
8. In view of the fact that Vistar is voluntarily working to a proposed withdrawal date of 31 August 2023, the Enforcement Committee has set a proposed withdrawal date of 5pm on 31 August 2023.
9. The Enforcement Committee observed that Vistar has worked closely with Ofqual to ensure that learners are protected during this time as a priority. Vistar has fully engaged with Ofqual and has taken timely action to protect the interests of learners.

Representations

10. Vistar has been permitted until 1pm on 24 August 2023 to make representations in respect of the Notice of Intention.
11. Interested parties may make representations in respect of Ofqual's proposal to withdraw recognition. Any such representations must be sent by e-mail to EnforcementCommittee@ofqual.gov.uk and must be received before 1pm on 24 August 2023.

Special Conditions

On 25 July 2023, Ofqual gave Vistar notice that it intended to impose Special Conditions formalising many of the actions Vistar set out in its withdrawal plan. Vistar did not object to the Special Conditions.

On 27 July 2023, Ofqual placed special conditions on Vistar to minimise the risk of an Adverse Effect. In summary requirements are for Vistar to:

- Not register any new learner to take a regulated qualification.
- Take all reasonable steps to ensure that no Centre concerned with or connected to the delivery of its qualifications enrolls any new learner(s) to take any of Vistar's regulated qualifications.
- Take all reasonable steps to assist any:
 - a) 'Registered Learner';
 - b) 'Enrolled Learner';
 - c) Centre; and/or
 - d) awarding organisation

which requests Vistar's assistance to transfer any learner(s) from any Vistar regulated qualification to any other qualification regulated by Ofqual.

- Ensure that each and every Registered learner's records of achievement are up to date and maintained so as to facilitate learners gaining recognition for prior learning in the event that they transfer to another regulated qualification offered by an alternative awarding organisation.
- Provide Ofqual with an accurate weekly report setting out the status/progress of each Enrolled or Registered Learner.