



Awarding Organisation: *Vistar Qualifications*

Special Conditions

The Office of Qualifications and Examinations Regulation (Ofqual), in accordance with its powers under section 132(3)(d) of the Apprenticeships, Skills, Children and Learning Act 2009 (ASCLA) has imposed the following Special Conditions on Vistar Qualifications “VISTAR”.

Condition VISTAR1 – Registration and enrolment of learners

- VISTAR1.1 VISTAR must not register any new learner to take a regulated qualification.
- VISTAR1.2 VISTAR must 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.

Condition VISTAR2 – Protecting the interests of Registered and Enrolled learners

- VISTAR2.1 VISTAR must 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 an VISTAR regulated qualification to any other qualification regulated by Ofqual.
- VISTAR2.2 VISTAR must 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.
- VISTAR2.3 VISTAR must provide Ofqual with an accurate weekly report setting out the status/progress of each Enrolled or Registered Learner. The updates shall be provided via the Portal and the first report is due 28 July 2023.

Condition VISTAR3 – Interpretation and definitions

- VISTAR3.1 The rules of interpretation and definitions outlined in [General Condition J1](#) shall apply to these Special Conditions.
- VISTAR3.2 For the purposes of these Special Conditions, the following additional definitions apply:
- a. a ‘Registered learner’ refers to a ‘Learner’ as defined under General Condition J1.8: ‘a person who is registered to take a VISTAR qualification and to be assessed as part of that qualification.’

- b. an 'Enrolled learner' refers to a learner that is enrolled at a Centre for an VISTAR qualification but that is not yet registered to take that qualification.
- VISTAR3.3 The requirements imposed by these Special Conditions apply in addition to the requirements imposed by the [General Conditions of Recognition](#) and any relevant Qualification Level Conditions and Subject Level Conditions.
- VISTAR3.4 To the extent that there is any inconsistency between –
- a. a requirement of one of these Special Conditions, and
 - b. a requirement of a General Condition of Recognition, a Qualification Level Condition or a Subject Level Condition, such that VISTAR could not comply with both such requirements, the awarding organisation must comply with the requirement of the Special Condition and is not obliged to comply with the requirement of the other Condition.

Signed: Catherine Large - Executive Director for Vocational and Technical Qualifications

Date: 26 July 2023

Annex to Special Conditions

Publication and sharing of information

1. Ofqual may publish a Special Condition, either fully or in part, [on its website](#) unless Ofqual is persuaded by an awarding organisation that there is a legitimate reason that this should not be published, including that this may have adverse commercial implications for the awarding organisation involved. Ofqual does not propose to publish these Special Conditions at the time they are imposed, but may consider publication at a later date. Ofqual will consult with VISTAR before publishing these Special Conditions.
2. Ofqual may share information about these Special Conditions with other regulators in accordance with its powers, where it considers necessary.

Right of internal review

3. VISTAR may request an internal review of the decision to impose a Special Condition within 10 working days of the date the Special Condition was imposed. The request must be made via the Portal, with the subject line - for the attention of Stewart Abbott, Senior Lawyer, Legal Moderation and Enforcement.
4. An internal review may be requested on the following grounds only:
 - a. The facts of the decision for imposing a Special Condition are incorrect;
 - b. A relevant fact has not been taken into account;
 - c. Ofqual has not followed its own procedures; or

- d. The decision to impose a Special Condition does not support the facts, an unreasonable decision.
5. Any internal review will be carried out by an officer of Ofqual who has had no previous involvement in your matter.

Ofqual review

6. Ofqual may at any time review whether the requirements of these Special Conditions need to remain in place and VISTAR may at any time request that Ofqual carries out such a review.
7. If after review, Ofqual considers that some or all of the requirements of the Special Conditions no longer need to remain in place, the relevant requirements will be removed.
8. If Ofqual considers that some or all of the requirements need to remain in place, or that additional or alternative requirements need to be imposed, it may take one or more of the following steps, in isolation or combination:
 - a. set a new review date;
 - b. amend the terms of the Special Conditions (by adding and/or removing requirements),
 - c. determine whether there has been a breach of the Special Conditions,
 - d. take any regulatory action set out in Ofqual's Taking Regulatory Action policy.
9. The process set out above is without prejudice to any other action that Ofqual may take in line with its [Taking Regulatory Action policy](#).

Requests for information

10. Failure to provide the information as required by this Special Condition is a breach of the Special Conditions and Ofqual may take regulatory action.
11. Nothing within this notice, or in Ofqual's conditions more generally, require or enable VISTAR to continue trading where it is no longer lawful to do so. VISTAR should seek its own independent professional advice in that regard.
12. If VISTAR is unable to provide the information or cannot provide it within the timescale required it should notify Ofqual as soon as practical, giving details as to why this cannot be provided.
13. Unless specifically requested VISTAR should redact personal information from any documents provided.
14. Where personal data is requested, VISTAR must consider whether any steps need to be taken in order to ensure compliance with data protection legislation.
15. Where personal data is being transferred, VISTAR may need to consider whether it needs to put in place any additional safeguards. Ofqual can provide assurance that it will process personal data in accordance with UK data protection legislation. For more details about how Ofqual processes personal data please see our privacy information. Awarding organisations must ensure that personal data is transferred securely.
16. All information submitted in response to the Special Conditions will be retained by Ofqual and may be used for other purposes in accordance with

Ofqual's objectives and duties. Personal data will only be used for another compatible purpose and/or anonymised or pseudonymised where possible.

17. Ofqual is subject to the Freedom of Information (FOI) Act 2000 and we may be asked to disclose information under that Act. No personal data will be disclosed unless required by law. Where an awarding organisation indicates that it considers information submitted to us to be commercially sensitive, we will take this into account when considering any FOI request. However, it will be for Ofqual to determine whether the information must be disclosed or an exemption applied.

18. Ofqual may share information provided to it by VISTAR with other agencies or authorities where appropriate or where required by law.

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