



Vistar: Notice of intention to withdraw recognition

In accordance with its powers under section 152(1) and 152(2) of the Apprenticeships, Skills, Children and Learning Act 2009 “ASCLA”, and pursuant to its obligations under section 152(6) of that Act, the Office of Qualifications and Examinations Regulation “Ofqual” has decided that withdrawal of recognition should proceed as proposed in the 3 August 2023 notice of intention to withdraw recognition “the Notice”. Withdrawal of recognition in respect of the award or authentication of every qualification and description of qualification for which Vistar Qualifications Limited “Vistar” is recognised by Ofqual will take effect from 5pm on 31 August 2023.

This decision was made on 3 August 2023 by an Enforcement Committee comprising 3 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

Background

1. Vistar 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. Vistar also voluntarily submitted a withdrawal plan to Ofqual.
4. In July 2023, Vistar informed Ofqual that it no longer had an appointed Responsible Officer as a consequence of there being no Governing Body.
5. On 3 August 2023, the Enforcement Committee considered withdrawal of recognition from Vistar. Following the Enforcement Committee’s deliberations,

Ofqual issued a Notice of Intention to withdraw recognition “the Notice”, in accordance with s152(3) and s152(4) of the 2009 Act after concluding:

- a) that, by reason of failure to appoint a new Governing Body and Responsible Officer, Vistar had failed to comply with the General Conditions of Recognition, specifically Conditions A1, A5 and B1;
 - b) that it was proportionate that recognition should be withdrawn in full.
6. In response Vistar did not contest the failures to comply or proposed withdrawal of recognition. Ofqual did not receive any representations from interested parties.
 7. Having considered Ofqual’s statutory objectives and duties, had regard to its policy Taking Regulatory Action (2012), and considered the circumstances of this case, Ofqual decided that recognition shall be withdrawn from Vistar. Ofqual’s Enforcement Committee recognised that Vistar worked closely with Ofqual ensuring that learners were protected as a priority.
 8. Having decided to withdraw recognition, and in view of the fact there are no learners currently enrolled on, waiting for assessment in respect of, or awaiting results or certificates for any Vistar qualification, and in view of the fact that the timeframe for appeals and complaints elapsed on 14 August 2023, the Enforcement Committee decided that withdrawal of recognition will take effect from 5pm on 31 August 2023, and that no saving or transitional provisions will be made.
 9. Vistar informed Ofqual that Innovate Awarding will maintain a record of results issued by Vistar, Innovate Awarding will therefore be able to respond to enquiries about past results.