

Undertaking given by Scottish Qualifications Authority ("SQA") to the Office of Qualifications and Examinations Regulations ("Ofqual"), in accordance with B8 of the Conditions of Recognition

1 Background

- 1.1 SQA is recognised as an awarding body by Ofqual under section 132(1) of the Apprenticeships, Skills, Children and Learning Act, 2009 ("the 2009 Act") and is subject to the Conditions of Recognition which Ofqual is required to set and publish under section 134 of the 2009 of the Act.
- 1.2 This undertaking relates to Ofqual's review of SQA investigations that commenced during 2017 – 2019 and predominantly relate to the SQA Level 1 Health and Safety in a Construction Environment qualification ("L1HSCE") (now withdrawn by SQA).
- 1.3 The L1HSCE qualification provided a foundation to health and safety for individuals working or intending to work within the construction industry. This qualification was developed for learners needing to obtain a Construction Skills Certification Scheme "CSCS" card.

2 Summary of investigation by Ofqual

- 2.1 On 4 March 2021, Ofqual contacted SQA explaining it had concerns with SQA's compliance with the Conditions of Recognition.
- 2.2 On 23 April 2021, SQA provided the information requested by Ofqual, along with details of the improvements made by SQA.
- 2.3 On 31 January 2022, Ofqual identified concerns with SQA's approach to investigating and dealing with malpractice and maladministration concerns following its review of a selection of SQA malpractice investigations conducted by SQA in the period 2017 - 2019.
- 2.4 SQA accepted the non-compliances identified by Ofqual and in June 2022, SQA submitted an action plan to Ofqual noting the steps it would take to ensure compliance with the Conditions of Recognition. SQA provided an update in April 2023 confirming that it had completed the steps set out in the action plan.
- 2.5 Between October 2023 and May 2024, Ofqual and SQA were in correspondence regarding additional issues identified by Ofqual.

3 Non-compliance with the Conditions

- 3.1 Ofqual identified that SQA failed to comply with A5.1, A5.2(b), A5.2(e), A6.1, A6.2, A8.1, A8.2(a), A8.2(b), A8.3(b), A8.6, B3.1, C1.1(a), C1.1(b), E4.2(a), G1.1(a), G4.1(a), G9.2(a), G9.3(a), H5.1 and I4.2(c) of the Conditions. SQA has accepted the concerns identified by Ofqual.

4 Undertaking

- 4.1 SQA has agreed to provide an undertaking to Ofqual under B8 of the Conditions of Recognition. SQA hereby undertakes to:

- 4.1.1 Commission an independent third-party verification audit to review the effectiveness of SQA's action plan in response to Ofqual's concerns. The audit shall:

- a) Validate the implementation of SQA's action plan submitted to Ofqual as complete on 21 April 2023;
- b) Evaluate the effectiveness and impact of SQA's actions; detailed findings, and where practicable, set out a Red, Amber, Green categorisation in relation to each action and provide assurance levels; and
- c) Review SQA's current compliance with the Conditions of Recognition in respect of Ofqual's concerns as set out in the Statement of Facts V4 dated 11 July 2024

- 4.1.2 Commission the independent third-party auditor to prepare a report ('the SQA Audit Report') that:

- I. Comments on whether, in the Auditor's view, SQA implemented each of the actions set out in the action plan;
- II. Includes a review of the effectiveness and impact of SQA's action plan in addressing Ofqual's concerns,
- III. Includes a review of SQA's compliance with the relevant Conditions of Recognition each action relates to;
- IV. Identifies any action(s) that require action by SQA; and
- V. Where appropriate, set out any recommended actions.

- 4.1.3 The SQA Audit Report will include in its appendices:

1. The original letter of instruction.
2. Any correspondence between SQA and the auditor.

3. A copy of Ofqual's statement of facts.
 4. A declaration from the auditor confirming that prior to preparing the report the auditor had received and reviewed 1, 2 and 3.
- 4.1.4 Promptly notify Ofqual with the identity of the auditor it proposes to instruct.
- 4.1.5 Deliver the SQA Audit Report and any drafts of the SQA Audit Report to Ofqual promptly upon receipt, but in any event, no later than four months from the date of this Undertaking.

Signed:



Date: 16 August 2024