

A Consultation on Withdrawing the Regulatory arrangements for the Qualifications and Credit Framework (QCF)

Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

About you

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Would you like us to treat your response as confidential?*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes No

Are the views you express on this consultation an official response from the organisation you represent or your personal views?*

Personal views

Official response from an organisation/group (please complete the type of responding organisation tick list)

If you ticked 'Personal views' which of the following are you?

Student

Parent or carer

Teacher (but not responding on behalf of a school or college)

Other, including general public (please state capacity)

If you ticked "Official response from an organisation/group", please respond accordingly:

Type of responding organisation*

Awarding organisation

Local authority

School or college (please answer the next question)

Academy chain

Private training provider

University or other higher education institution

Employer

Other representative or interest group

Other representative group/interest group (please skip to type of representative Group/interest group)

School or college type

- Comprehensives or non-selective academy
 - State selective or selective academy
 - Independent
 - Special school
 - Further education college
 - Sixth form college
 - None of the above (please state what)
-

Type of representative or interest group

- Group of awarding organisations
- Union
- Employer or business representative group
- Subject association or learned society
- Equality organisation or group
- School, college or teacher representative group
- None of the above (please specify)

The Federation of Awarding Bodies (FAB) is the membership organisation for vocational awarding organisations (AOs) and we currently have over 110 AOs in membership. Our members range from larger generic AOs to small specialist organisations. We also have more than 30 professional bodies in membership.

Almost all of our members are recognised by Ofqual to submit QCF qualifications to the Register and are therefore affected by the current regulatory arrangements for the Qualifications and Credit Framework (QCF) and the proposals to withdraw these. The Federation has for some time been raising concerns with Ofqual regarding a number of aspects within the current QCF requirements and how these impact on qualification design. The Federation therefore welcomed the Ofqual Review of the QCF in 2013 and further welcomes the opportunity to respond to this consultation.

The Federation wishes to make the following submission for your consideration. This response is submitted on behalf of the FAB membership following consultation with them and with the Federation's Board of Directors. However, AOs are a diverse community and AOs have engaged with the QCF to different extents. Within our membership there is likely to be a range of views and opinions on the proposals to

withdraw the QCF arrangements. Consequently our members may wish to make their own individual submissions containing their own particular perspectives and emphases, in addition to any comments forwarded to the Federation for inclusion in this overall response.

In order to inform this response the Federation held two events for members in September; one in London and one in Birmingham and our response has been based on the views of our members as expressed at those events. In total, over 45 AOs were represented at the events.

Nation*

England

Wales

Northern Ireland

Scotland

Other EU country (please state which) _____

Non-EU country (please state which) _____

The Federation's members operate across all countries in the UK and, in many cases, on an international basis both within and outside the EU.

How did you find out about this consultation?

Our newsletter or another one of our communications (**plus ongoing dialogue with Ofqual officers**).

Internet search

Our website

From another organisation (please state below)

Other (please state) _____

May we contact you for further information?

Yes No

* denotes mandatory fields

Questions

In principle, the Federation welcomes Ofqual's intention to focus on the validity of qualifications throughout their lifecycle and adopt a more risk based approach to regulation. Within this context we understand that it is important for the regulator to revisit its arrangements for the Qualifications and Credit Framework (QCF) to ensure that they are in keeping with the intended approach to regulation and do not present any barriers to AOs ability to ensure the validity of vocational qualifications (VQs).

Since the introduction of the QCF in 2008 the majority of our members have worked to develop VQs that meet the needs of learners, employers and other stakeholders whilst also meeting the requirements of the QCF. There have undoubtedly been occasions where the requirements of the QCF have caused tensions and challenges and over the years the Federation has communicated a number of QCF-related issues and concerns to Ofqual. We therefore welcomed the review of the QCF during 2013 as a route towards addressing these issues.

Before we address each of the specific consultation questions we feel it is important to make a number of over-arching points in relation to the QCF and the current position of many AOs in relation to the QCF:

- The QCF currently provides a framework within which qualifications can be described, referenced and cross-referenced to other frameworks (e.g. EQF, HEFQ). It also provides a common vocabulary and a distinct identifier or 'brand' of qualifications that learners, employers and other stakeholders recognise and understand, albeit to varying degrees. The proposals to withdraw the QCF are not accompanied by a clear articulation of what would take its place as a framework for qualifications and this has given rise to concern within the AO sector. The Federation has in the past encouraged Ofqual to consider the development of a single framework/arrangement for qualifications which would have the facility to house different types of qualifications in a way that does not constrain the flexibility of AOs to design valid, fit for purpose qualifications which respond to employer and learner needs. Such a framework/arrangement has the potential to provide a meaningful structure to illustrate where VQs sit in relation to each other and in relation to other types of qualifications and could aid understanding and comparability. It could also provide the basis for a common vocabulary across stakeholders. The Federation believes that the proposals for the withdrawal of the QCF arrangements would have been better received if they had been accompanied by an articulation of what arrangements would exist in the future as an overall arrangement for regulated qualifications. The proposals as they are appear to leave a significant gap and this has caused many AOs to question what exactly will exist in place of the QCF and whether, moving forward, there will be a clear, understandable qualifications framework in England. At the Ofqual event on 30 September reference was made to the intention to have a single framework but this is not clearly articulated in the

consultation document and there is no indication of how this would be structured, other than by level.

- AOs are keen to fully understand the rationale underpinning the proposals to withdraw the QCF arrangements. Many members feel that the review of the QCF offered an opportunity to improve the QCF through the introduction of flexibility in some areas of the arrangements. An improvement of the QCF would be welcomed and during our consultation events the phrase ‘throwing the baby out with the bathwater’ was a common sentiment expressed by members in relation to the current proposals. A Root Cause Analysis of why the QCF has not worked, leading to a proposal for changes to specific aspects of the framework would be more acceptable to many AOs than a complete withdrawal of the framework. It is also important to note that although the QCF has been with us since 2008 many qualifications were not entered into it until 2010 and have therefore only ‘lived’ in the QCF for a relatively short period of time. A complete withdrawal of the QCF at this point in time therefore seems to be premature.
- The impact of the withdrawal of the QCF on learners is of paramount concern to our members especially in relation to its potential to confuse learners. Those learners who have already achieved a QCF qualification may be concerned about its continued relevance, currency and value in a post-QCF world. Those who achieve qualifications in the future may be confused by the lack of consistency and comparability that some of the proposals risk introducing to the qualifications’ system. Our members are keen to avoid any activity that confuses learners, employers and other stakeholders.
- There is also a risk that withdrawing a framework that AOs have been promoting for 6 years may send a less than positive message about the qualifications that have resided in this framework to date. It further risks impacting negatively on the image of VQs and AOs by giving rise to confusion and uncertainty about VQs. AOs are keen to avoid anything that could negatively impact on the perception of the value of VQs.
- Since the introduction of the QCF in 2008, our members have invested significant resources in the development of qualifications to meet the requirements of this framework. The level of investment required in terms of time, finances and staff effort should not be underestimated; AOs have invested many hundreds of thousands of pounds and staff hours into the QCF. Ofqual should recognise that this level of investment could not be borne by AOs again and especially not after only a 6-year period. Time needs to be allowed for AOs to re-coup the investment they made in the QCF. Many of our members are charities and/or not for profit organisations and wholesale changes to the arrangements for qualifications may risk the diversion of valuable resources away from other important activities. We have noted that Ofqual does not anticipate the withdrawal of the QCF to result in the need for wholesale change but we are concerned that the extent of the impact on operational systems

and processes has not been fully mapped and will be far more extensive than the regulator anticipates.

- As well as investing in the redesign of qualifications for the QCF, AOs have also invested in educating their markets, both at home and abroad, about the QCF, what it means, how it operates and the potential benefits it offers to learners and employers. In some areas, the QCF is only now beginning to gain traction and many AOs feel that to withdraw it would cause widespread confusion, result in the need to re-educate the markets and stakeholders and consequently, require significant investment by AOs. Considerable 'brand value' has been generated and withdrawing the QCF arrangements now would be a waste of considerable investment by AOs.
- The Federation believes that greater value could be realised if AO resources are focused on ensuring the validity of VQs; in qualification design, quality assurance arrangement and awarding activities. The interests of centres, employers and, most importantly learners, would be better served by changes to the QCF which do not unnecessarily divert the attention and resources of AOs away from the core activities required to ensure the validity of VQs.
- At the time when the QCF was introduced, awarding bodies were led to believe that the NQF would 'close for business' and vocational qualifications would therefore need to be 'on the QCF' to remain in regulation. The subsequent status of the NQF has been a source of much confusion; it has remained available as a framework for regulated qualifications but not in an overt way. The future status of the NQF, if the QCF arrangements are withdrawn, needs to be clearly explained and communicated to AOs. Similarly, the status of the VRQ classification which Ofqual has insisted should be used in qualification titles should be clarified. There is also some concern about the availability of the term NVQ in the future and whether this can continue to be used in titles to signal competence based qualifications. Some employers (and some of those within the apprenticeship trailblazers) have signalled a wish to continue to use this acronym and it would be useful to have a clear policy statement from Ofqual on whether this will or will not continue to be available in the future.
- Whatever changes are introduced it will be important for Ofqual to ensure that their systems and processes are aligned and able to deal effectively with these changes. In particular, any changes that are required to RITS (or whatever system may replace it) will need to be implemented quickly and accurately.
- The Federation understands that Ofqual does not develop funding policy but, we cannot comment on the QCF without some reference to the impact that funding arrangements have on qualifications. Funding policy which focussed on the QCF undoubtedly drove qualifications onto that framework whether they sat comfortably there or not. The Federation therefore feels that, before any changes to the QCF are introduced, it would be beneficial for Ofqual to enter into robust discussions with the

funding agencies (the Skills Funding Agency in particular) about the potential impact their funding policy can have on VQs. We support Glenys Stacey's call for AOs to 'do the right thing' at the FAB Conference 14 Oct 2014, but we feel it is important for Ofqual to understand that AOs face an economic reality in relation to the market for their qualifications and if funding approaches do not change we are unlikely to reach a position where AOs are truly free to 'do the right thing' no matter how much they want to. Increasingly, the Skills Funding Agency is specifying detailed requirements for qualifications if they are to be eligible for funding (initially this was in areas such as size but has recently expanded into areas such as assessment which we would view as being the remit of the regulator). AOs understandably feel the need for information about the position of the Agency in relation to the proposals for the future of the QCF and how the funding system would operate if the QCF is withdrawn.

- The Federation understands that the Welsh Government is the regulator in Wales and it is their responsibility to clarify how their regulatory arrangements will operate in the future. However, there is concern about how changes to the QCF arrangements, which were issued jointly by Ofqual, the Welsh Government and CCEA, will impact on qualifications that are offered in England and Wales and whether this could result in duplication of effort for AOs stemming from the need to comply with the QCF for qualifications within Wales but not for those in England. We are sure that under the terms of the Welsh Government/Ofqual Concordat discussions are in progress and the Federation will aim to raise this matter directly with the Welsh Government in the appropriate forums. We have assumed that as VQs in Northern Ireland are under the regulatory remit of Ofqual they will continue to be regulated in the same way as those in England, whether this is with or without the QCF arrangements.
- We understand and support Ofqual's focus on VQ regulation. However, we believe there is a need for a consideration of the current pace of change to ensure it does not over-burden AOs. The awarding sector has the responsibility for maintaining current systems and processes and ensuring these operate effectively for centres and learners. The pace of change within regulation needs to recognise and respect the need for AOs to prioritise this above everything else. The impact on AOs of significant simultaneous regulatory changes (e.g. withdrawing the QCF, introducing GLH changes, validity strategies, validity audits etc.) should not be underestimated.

Question 1. We propose to change the way we regulate some vocational qualifications by withdrawing the *Regulatory arrangements for the Qualifications and Credit Framework*. From now on, we will only use the existing General Conditions of Recognition – supplemented in some instances by new General Conditions or guidance – to regulate qualifications that have been or would have been designed to meet the *Regulatory arrangements for the Qualifications and Credit Framework*. To what extent do you agree or disagree with the proposed change?

Strongly agree

Agree

Disagree

Strongly disagree

There are a number of areas that the Federation feels it is appropriate to respond to in relation to this question:

A- Withdrawal of the QCF arrangements

The Federation recognises that the QCF as it stands is not perfect and we have for some time been raising issues of concern with Ofqual about how some aspects of the framework impact on qualifications. We therefore welcomed the review of the QCF as a positive step towards addressing the problematic areas with a view to moving towards a QCF that placed fewer barriers in the way of AOs when they were trying to develop high quality qualifications to meet the needs of learners. However, our members feel that a complete withdrawal of the QCF at this stage is a step too far and whilst AOs welcome some of the proposals and the additional flexibility and responsibility this will give them for their own qualifications many of them wish to retain some aspects of the QCF and, more importantly, the overarching QCF framework and identifier. The key reasons for this are:

- There is a belief that there should be a serious attempt to 'fix' what we currently have before withdrawing it. A Root Cause Analysis to identify why aspects of the QCF have not worked would be beneficial to inform changes.
- The QCF has been promoted and communicated to centres, employers and learners who are now beginning to understand it and make reference to QCF qualifications. QCF is becoming an established identifier for qualifications that puts them into a context that is increasingly understood by stakeholders. A withdrawal of it now risks causing confusion and frustration in the market, especially in the absence of a clear articulation of a framework which would replace it.
- A 'framework' with only one single dimension of levels does not offer a structure or means for classifying different types of qualifications in a way that will be meaningful to stakeholders.
- The upheaval a withdrawal of the QCF will cause AOs is far greater than Ofqual seems to appreciate in its consultation document. AOs have invested not only in moving their qualifications onto the QCF but in systems and procedures that support a QCF style approach. For example, many IT systems have been structured around the QCF requirements for qualifications

and any movement away from these requirements will require significant resource investment in IT amendments. The operational impact of the withdrawal of the QCF on AOs should not be underestimated.

- The proposed timescale for closing the unit bank is far too short; AOs need time to consider the implications of this proposal and plan how they will respond to such a change. The Federation feels that the proposed January 2015 date needs to be urgently revisited and amended to, at the very least, July 2015 if this proposal is implemented.

B- General Conditions of Recognition (GCRs)

In principle, moving closer to a position where there is one comprehensive set of regulatory requirements that AOs need to comply with for all qualifications is an attractive proposition. At present the arrangements for the QCF sit alongside, but outside of, the GCRs. Only some of the published QCF arrangements are still 'live' which further introduces potential for confusion. However, there are some issues to be considered in relation to regulating current QCF qualifications solely through the GCRs:

- The detail within the current QCF arrangements provides some degree of clarity for both AOs and Ofqual. The risk associated with regulation through the GCRs only is that because these are written at a higher level they are often more open to subjective interpretation. It is not clear how Ofqual will ensure the consistency of interpretation during its monitoring activities in the absence of the specification of the detailed QCF arrangements. In time, as confidence in the consistency of Ofqual's monitoring activity grows, it will be more attractive to regulate through just the GCRs.
- The Federation is concerned that the GCRs could soon become unwieldy. The GCRs are currently 80 pages long (up from 70 pages in November 2012). If regulating current QCF qualifications solely via the GCRs requires the addition of a number of new Conditions then this would be a concern. The Federation feels that new GCRs should only be introduced once a robust internal process of query and challenge has been completed within Ofqual. Where an existing GCR or a combination of Conditions can legitimately be used to achieve the purpose of a proposed new Condition (perhaps with some additional guidance) then this is preferable to adding new Conditions. As an example, we have recently seen this illustrated in the proposals to lift the accreditation requirements where the need for the proposed Condition E6.1 was questioned by the Federation and a number of our members.

C- Guidance

In relation to proposals to issue further guidance, our preference would always be to have GCRs that are clearly written and transparent to all. However, as the GCRs currently stand, we recognise that Guidance has the potential to be useful.

Unfortunately, some of the recent guidance emerging from Ofqual is not fulfilling this potential and the Federation made a number of comments about this in our response to the 'Lifting the Accreditation Requirements' consultation. Whilst not wanting to repeat these in full we do feel it is relevant to reference our concerns here in summary:

- The Federation would find it useful to have a plan of when Ofqual intends to produce guidance for specific Conditions. We understand that resource requirements may result in the need to take a phased approach to developing guidance and we would be willing to work with our members to support Ofqual to identify Conditions that would most benefit from the provision of guidance. We have for some time been flagging up the need for guidance in relation to H3.
- The Federation recently expressed our concerns about the quality of the guidance issued in June 2014 as Annex 1 of RO22 where negative indicators were a duplication of the positive indicators in negative terms. This is not an approach that we find to be of value and it provided no clarity for AOs.
- In relation to Ofqual's work to develop any further guidance on the GCRs, we would like to reiterate the Federation's willingness to support the regulator with this activity and we would be happy to facilitate contact with a range of our members if this would be useful in the development or testing of draft guidance.

Are there any other options that we have not considered?

Based on the feedback from our members, the Federation feels there is a need for Ofqual to consider how some aspects of the QCF can be amended without this resulting in the need to withdraw the QCF. The main areas in the QCF that we feel would benefit from amendments relate to unitisation, unit sharing arrangements and assessment:

Unitisation – a unit based approach to qualification design is appropriate for some qualifications and undoubtedly has benefits for some learners. However, it is not appropriate for every type of qualification and there needs to be some flexibility to allow AOs to structure qualifications in other ways where this is valid for the qualification and suitable to the intended learners. This is an example of where funding policy has had an adverse effect on some qualifications by driving them in to the QCF for funding purposes, even though a unitised approach was not wholly suitable.

Unit sharing- flexibility could be added to the current arrangements through:

- A clear communication to all AOs that they do not have to share their units (or content, if units are no longer to be a requirement) if they choose not to. Until very recently many AOs have operated under the belief that they had no choice other than to share units on the QCF unless they had a very good reason to restrict access. If all AOs were clear about not having to share units it would provide them with the flexibility to make a choice about whether to share or not. This decision will of course be influenced by any funding requirement not to restrict access/sharing of unit content.
- Moving forward, any units/content provided to be shared, could be used by other AOs where they see fit but there should be no obligation to use shared content where it does not meet an AO's requirements or where there are concerns about the quality of the unit content. This will ease the current tension between having to use existing content and complying with Condition D6. Having had the freedom to choose to use shared content or not, it would be reasonable to hold an AO responsible for the quality of the content they have chosen to use. Where shared content does not meet the requirements of an AO they should be free to develop their own content, even if this duplicates currently available content.
- Currently, changes made by owners to shared content cause many issues for AOs. Expectations around the communication of changes to shared content seem to be poorly defined and this process could be improved by a clear articulation by Ofqual of their expectations of unit owners and monitoring of adherence to these requirements.

Assessment- the current requirements for assessment in the QCF have caused significant issues for some AOs and the Federation supports the proposals to allow a compensatory model to be used where this is a valid approach to the assessment for the specific qualification. This would be in keeping with Ofqual's emphasis on validity and would provide AOs with the flexibility they need to ensure the assessment method is appropriate to the qualification and learners. The appropriate use of mastery or compensatory models could be monitored through Ofqual's validity audits.

Question 2. We propose to change existing recognition arrangements for some vocational qualifications, following the withdrawal of the *Regulatory arrangements for the Qualifications and Credit Framework*. We invite your comments on the proposed changes.

The Federation understands that if the QCF arrangements are withdrawn then the approach to describing AOs' recognition will be affected. The proposal to describe recognition in terms of sector and level are logical and the simplicity of this approach is attractive to a degree. However, the Federation is concerned that the possible broader implications of this proposal have not been fully outlined in the consultation and we have a number of concerns about this approach to describing recognition in the future:

- We welcome the regulator's attempt to outline an approach to describing recognition in the future in a way that would not require AOs to make a full application for new recognition. However, we find it surprising that there has been any consideration of requiring AOs who are currently recognised and operating in compliance with the GCRs to make a full application for new recognition based on a change/withdrawal of the QCF arrangements. Whatever route forward the regulator decides to take with the QCF it is the Federation's view that it would place an unacceptable burden on AOs if this included any requirement for them to re-apply for recognition. We do not believe that the proposed changes fundamentally impact on an AOs ability to operate effectively in compliance with the current GCRs. Furthermore, it would present a substantial risk of resources needing to be diverted away from other activities which have the potential to add greater value to ensuring the validity of VQs.
- Before any steps are taken to describe AO's recognition by sector and level there is a need for further clarification of how Ofqual intends the proposed new approach to impact on its stance regarding AOs that offer regulated and un-regulated qualifications. This has been a grey area for some time now. The work that Ofqual began (and then halted) on the qualification descriptions sought to add some clarity to this position. However, since this work was put on hold in July 2013 there have unfortunately been conflicting messages emerging from Ofqual in relation to AOs' compliance with the General Conditions of Recognition (GCRs) in cases where they offer regulated and un-regulated qualifications. This is an area that would benefit from clarification. It is not clear whether the proposal to describe recognition by sector and level would result in the regulator taking the stance that all qualifications awarded by an AO within those sectors and levels must be regulated. This would have far reaching implications for some AOs and is a matter that the Federation feels needs full exploration and consultation in its own right, or, at the very least, as a more prominent part of this consultation. We do not, therefore, feel we can support the proposal for the description of recognition at this time as the implications of this approach have not been fully outlined in the consultation.
- Recognising AOs by sector and level has raised a number of more detailed queries from AOs. Firstly, a significant number of AOs question whether their recognition should restrict the level at which they can operate. If an AO meets the GCRs and has access to the resources and expertise it needs to develop and award qualifications within its sectors of expertise, the value added by needing to seek recognition for every additional level at which they wish to operate is questionable. Ofqual may want to consider whether it would be possible to recognise AOs for a range of levels (e.g. 1-3, 5-7) if they proceed with this proposal. This will go some way towards making this approach less onerous for AOs and ease the burden on the time and resources of AOs and the regulator.
- The list of proposed sectors for use in recognition descriptions has not been included in the consultation document and this would have provided greater transparency

about the proposed way forward. We understand that the intention may be to provide this detail as part of the planned technical consultation but we feel that some further information would have been beneficial at this stage. The provision of this information may also have gone some way towards providing clarity for those AOs who operate in cross-sectorial areas of provision such as management, marketing, HR etc. as there is no information or example provided of how their recognition would be described. It is not clear whether the intention is for these areas to be distinct descriptions in their own right or whether their description would include every sector where their qualifications are offered.

- Similarly, it is not clear whether the intention is to identify the appropriate sectors to include in the description at a 'whole qualification' level or whether it would reflect in any way where units from another sector are used within whole qualifications. For example, where an AO uses health and safety units within catering qualifications would their description include catering and health & safety or just catering?
- Any assessment of an AO's ability to operate in a specific sector would need to take into account the in-house skills and competency that they have in those sectors but also their access to appropriately skilled consultants and specialist advisors.

Question 3. What are the implications, if any, of closure of the unit bank?

Since the introduction of the QCF AOs have had access to the unit bank and the shared content within it. It is fair to say that some AOs have used this shared content more than others and, consequently, the implications of closing the bank will vary depending on how each individual AO has used the bank to date.

There was, however, a strong feeling across a range of AOs that the proposed timescale for closing the bank is far too short to allow AOs a reasonable amount of time to think through the implications of such a development and prepare fully for operating without the unit bank. If this proposal is implemented then we would request that Ofqual provides AOs with at least 6-12 months to plan for the closure of the unit bank. January 2015 is not a reasonable timescale.

The potential implications of closing the unit bank include:

- There will be a significant resource implication for AOs who are likely to need to undertake a mapping activity across all QCF qualification content to identify where they currently use shared units. In addition, they will also need to identify whether, in future, that content has been shared 'in perpetuity' or ceases to be available after a 2-year withdrawal period. Once mapped, AOs will need to make plans to replace any content that has not been shared 'in perpetuity' as well as any 'in perpetuity' units that they have concerns about. The scale of this exercise should not be underestimated as some AOs will have hundreds of qualifications which will require analysis on a unit by unit basis. In relation to this, it is not clear what Ofqual's role will be in communicating the status of each unit to AOs to ensure there is absolute clarity about whether AOs can continue to use current content or not.
- It is not yet known how many content owners will choose to share 'in perpetuity'. If every organisation agrees to this option then the transition to life without the unit bank is likely to be smoother. However, if a significant number of organisations

choose not to share their units 'in perpetuity' or choose to share only some of their content in this way then the tracking of the status of current units could become a resource intensive activity for AOs. It would be useful to know how SSCs have responded to this proposal.

- Where a current owner of units chooses not to share 'in perpetuity' AOs will need to either withdraw qualifications that contain this content or develop replacement content. This will impact on the resources of AOs. The extent of this impact is difficult to predict as we do not yet know how many content owners are likely to object to the sharing 'in perpetuity' proposal. Potentially, AOs could find themselves in the position of needing to develop high volumes of replacement content. Resources will also be required to identify and redevelop shared content that an AO has used but does not wish to continue to use in the future.
- The legal implications of closing the bank are not clear and AOs do not yet fully understand their position in relation to a range of potential scenarios, especially if they develop replacement content that may be very similar to the existing content that has been removed from sharing. AOs will need time to explore the legal aspects of copyright and IPR legislation before the unit bank is closed.

In your opinion, what would be the impact of this measure?

The Federation believes that closing the unit bank could impact on learners and AOs in the following ways:

- There may be an impact on learners in terms of the ease with which they can have their achievements recognised by other AOs. When content is the same it is likely to be easier for different AOs to recognise and award credit on the basis of it. Where content is different it is likely that AOs will need to embark upon lengthier processes to ensure they only recognise achievements and credits that accurately reflect what is within their own qualifications. Alongside the proposal to allow AOs to choose whether to recognise credit this may lead to a decrease in the opportunities for learners to transfer credit.
- The closure of the unit bank will undoubtedly impact on some AOs more than others. Closing the unit bank will mean that some AOs need to take steps to resource the development of a greater proportion of the content for their qualifications.
- If AOs need to develop replacement content for anything that is not shared 'in perpetuity' it will have an impact on their resources. It will also impact on the resources of centres who will need to take steps to familiarise themselves with new unit content and update their teaching and learning systems and materials to reflect this new content. Earlier than expected changes to unit content is likely to impact on delivery and resources within centres.
- Even where AOs do not use the unit bank directly in their qualifications some use it as a resource to benchmark their qualification content against what is available from other AOs. Closing the unit bank will remove what some AOs see as a valuable resource to aid comparability across qualifications.

In your opinion, are there any unintended consequences of closing the unit bank that we have not considered?

The Federation has identified the following potential unintended consequences:

- Centres may be confused by the replacement of content within qualifications where an AO has had to develop new content to replace units that are withdrawn from sharing. This will impact on centre resources as they will need to adapt their delivery to reflect any changes. It could also cause confusion, especially in the early stages, where centres may find they are in the position where they have different cohorts of learners on slightly different versions of a qualification. Having time to communicate such changes and explain them fully to centres is one reason why a longer lead in time to the closure of the unit bank is an absolute necessity.
- Where an AO currently uses a high volume of shared content and a significant amount of this is not shared 'in perpetuity' the resources required to develop new content within a 2 year period could be beyond the means of the AO. This could mean that, in some cases, AOs either decide to withdraw from regulation or cease to operate as AOs. This could lead to the loss of some AOs and may impact more on smaller AOs who serve niche or specialist markets. The Federation does not believe such an impact is desirable or in the best interests of employers or learners.
- The closure of the unit bank may lead to a greater degree of proliferation of content and qualifications. If the closure of the unit bank leads to proliferation of content this will impact on AOs and VQs if the current ministerial preoccupation with the number of qualifications continues. This has been used as the basis for criticising AOs and VQs in general and such criticism does not help AOs in their efforts to promote the benefits of VQs to learners, employers and other stakeholders.

Question 4. Following the withdrawal of the *Regulatory arrangements for the Qualifications and Credit Framework* we will not impose design requirements about how QCF-type qualifications are structured nor on whether they are made up of units or in some other way. We invite your comments on our proposals.

The QCF has required AOs to adopt a unitised approach to the design of qualifications. This approach was already reasonably popular amongst awarding bodies prior to the introduction of the QCF. The Federation believes that, in many cases, it will continue to be a popular design approach, even if it is not required by regulatory arrangements, because there will be cases where it is appropriate for a specific qualification and offers the best way to meet the needs of some learners. The Federation believes it is right that AOs should have the flexibility to decide the best design structure for their qualifications and the freedom to use the most appropriate approach for each specific qualification.

Of course, in theory, this flexibility already exists within the confines of regulation as AOs can choose to not put their qualifications on the QCF and use the 'NQF' where it is not appropriate for qualifications to be unit based. In reality though the funding regime has presented a barrier to this potential flexibility and has artificially driven qualifications to the QCF even where a unitised approach is not the most suitable one to apply. This illustrates the importance of having a funding approach which does not conflict with the policy of the

regulator and highlights the need to have clarity regarding the plans of the Skills Funding Agency in relation to future funding. If the Agency could be helped to recognise the value of a broader spectrum of VQs and not just those on the QCF it would be beneficial moving forward.

This point also illustrates the need to clarify the current and future position of the NQF.

Question 5. To address the withdrawal of the *Regulatory arrangements for the Qualifications and Credit Framework* on credit accumulation, we propose it should continue to be possible for qualifications to be credit-bearing, provided the qualifications are otherwise valid and reliable. We further propose that it should only be possible to attribute credit down to the smallest part of the qualification that can be discretely assessed. We invite your comments on our proposed approach.

The Federation welcomes the flexibility to apply credit where this is relevant to the qualification, the market and the learners. However, in reality it is highly likely that credit will continue to be applied to a high number of qualifications because of other drivers in the market. The Skills Funding Agency requires minimum credit values for funding purposes so, in effect, AOs will not really have any choice other than to apply credit values to any qualifications that they want to be eligible for funding. GLH values will need to be applied to qualifications for performance tables and for UCAS tariff purposes and if the current Ofqual GLH proposals go ahead the need to assign a GLH value will leave no choice other than to assign values to the other elements of Total Qualification Time as well. Having assigned these values the calculation of a credit value is then easy. In effect then, we do not see that a removal of a regulatory requirement to assign credit will actually have much of an impact on AOs.

Our concerns about the future of credit are more closely related to how the values upon which credit will be based will be calculated in the future and these are reflected in our response to the GLH consultation.

Question 6. To what extent do you agree or disagree with the following proposals:

(a) Awarding organisations should be permitted to, but should not have to, recognise credit awarded to a student by another awarding organisation:

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / no opinion

The Federation would hope that AOs would recognise credit awarded by another AO, unless there was a valid reason not to do so, but we agree that AOs should be free to make this decision themselves. Anecdotal evidence suggests that credit transfer has not been widely used within the QCF but this is not universally the case across all AOs and some have recently reported a relatively high volume of credit transfer activity. AOs were recognising prior learning for many years prior to the introduction of the QCF and we see no reason why

they would not continue to make provision for this and credit transfer, where relevant, even if there is no regulatory requirement to do so.

(b) Awarding organisations which intend to allow credit transfer or which intend to recognise prior learning in some other way must publish a clear policy approach to doing so.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / no opinion

The Federation agrees that an AO's position on credit transfer should be transparent to users of its qualifications. Learners should be able to access information on whether credit transfer is an option for them and how the process will operate. We are supportive of AOs being required to publish a clear policy position in this area. However, the phrase 'clear policy approach' is open to interpretation and in agreeing with this we are assuming that Ofqual's intention is not to require a full detailed procedure to be published. We further assume that Ofqual will not wish to involve itself in the detail of how credit transfer systems operate as long as they are fair, consistent and accessible to learners.

(c) Ofqual should facilitate the availability of information about each awarding organisation's approach to the recognition of prior learning.

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / no opinion

It is not very clear what is meant by 'Ofqual should facilitate the availability of...'. The Federation believes that a requirement in the GCRs for AOs to publish their policy position on credit transfer and RPL is all that is required. We do not believe Ofqual needs to become any more involved in this area of activity. If the GCRs state that an AO must publish its policy then that requirement can be monitored during normal monitoring activity and any further involvement by Ofqual would be overly burdensome.

Are there any other options that we have not considered?

The Federation has nothing further to add.

Question 7. Following the withdrawal of the *Regulatory arrangements for the Qualifications and Credit Framework*, the assessment arrangements for QCF-type qualifications will be governed simply through our General Conditions of Recognition. We invite your comments on this approach.

The Federation has on a number of occasions raised issues related to assessment of QCF qualifications. Some members have experienced significant difficulties with the interpretation and implementation of the current QCF assessment requirements. It must be noted that some of this difficulty has been rooted in the inconsistent views of Ofqual representatives in relation to clarifying the requirement to assess learning outcomes and assessment criteria. In some cases the QCF 'rules' have been strictly enforced and the impact on the AO, their centres and their learners has been significant and highly disruptive. In some cases the strict enforcement of the QCF requirements was carried out with the overt recognition by the regulator that the assessment approach would not need to change if the qualification 'was not in the QCF'. The Federation believes that the most important factor for consideration should be whether the assessment approach for a qualification is valid and reliable. Applying a mastery approach to assessment should be required where it is necessary for the assessment to be valid. Where compensatory models are suitable they should be allowed.

We believe the current GCRs already require an AO to ensure the validity, reliability and fitness for purpose of the assessment applied to their qualifications. Conditions D1, E4, G1, G9 and H5 in particular should offer sufficient regulatory powers to address any non-compliance in this area.

Question 8. Following the withdrawal of the *Regulatory arrangements for the Qualifications and Credit Framework*, we will not put in place rules to support or facilitate unit sharing.

Where qualifications include collaborative elements, we will focus on whether they meet our regulatory requirements and whether there is clear accountability with each awarding organisation being wholly responsible for all of the qualifications which it offers. We invite your comments on our proposed approach.

The Federation agrees that an AO should be held accountable for the content of its qualifications. At present, the QCF rules make this difficult as AOs have found themselves in situations where they have been required by the regulator to use content that already exists in the unit bank. Qualification submissions that have attempted to by-pass the use of shared content have been refused accredited. This situation has caused a direct conflict with Condition D6 and has placed AOs in a difficult position. Moving forward we believe that AOs should not have to share units with other AOs unless they choose to do so and AOs should be able to develop their own content, even where this may to some degree duplicate existing content, where they feel this is necessary. Only when AOs have the freedom to fully decide the content of their qualifications can they be reasonably held to account for that content.

In terms of Ofqual's role in supporting or facilitating the sharing of units (or content that is structured in other ways) we believe there is a role to be played by the regulator. This role should not be to put in place rules about how AOs work together to develop and share content; AOs are able to do this in their own right (as evidenced by the joint development and sharing of ESOL content). Ofqual does however need to ensure that its systems and processes can operate effectively where AOs agree to share content. The Federation hopes

that AOs will increasingly work together to develop common content for qualifications, especially in relation to licence to practice qualifications and it is vital that Ofqual's systems are developed on the understanding that even if there is no requirement on AOs to share content they may choose to do so in the future where this benefits the sector or learners.

In your opinion are there any other impacts which these proposals are likely to have?

The Federation has nothing further to add.

Question 9. We have suggested a number of steps to address issues arising from unit sharing, including use, ownership and accountability. To what extent do you agree or disagree with our proposed approach?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / no opinion

Are there any other options that we have not considered?

The timescale of January 2015 is overly ambitious and does not provide sufficient time for AOs to plan for the closure of the unit bank. A more reasonable timescale of 6-12 months should be allowed to provide AOs to fully prepare for the impact of this. There are undoubtedly some AOs who have relatively few of their qualifications in the QCF and who would find the proposed timescale acceptable. However, the feedback from our own consultation events indicates that there is a significant number of AOs that would require a longer lead in period to the closure of the bank.

Question 10. When we withdraw the *Regulatory arrangements for the Qualifications and Credit Framework*, our General Conditions will provide sufficient limitation on an awarding organisation's ability to make use of 'award' 'certificate' and 'diploma' in the title of a qualification. To what extent do you agree or disagree with our proposed approach?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / no opinion

The QCF arrangement for the titling of qualifications based on credit size was not universally welcomed when it was launched. Many AOs and professional bodies in particular, struggled with the titling requirements as they resulted in the need to make changes to the titles of long standing, well established and well recognised qualifications. Such changes risked considerable market confusion and dissatisfaction and at the time the Federation provided feedback on these issues to Ofqual.

However, AOs generally did move forward to make these changes and many have now worked through the 'pain barrier' in relation to titling; investing in changes to their certificates and material, educating their market and/or profession about the changes and explaining how previous qualifications map to those with new QCF titles. Having gone through this exercise it would not be feasible to revert back to previous titles as the market would not stand such disruption again.

To some AOs, the titling requirements of the QCF are seen as providing a level of consistency and clarity to learners and other stakeholders. So much has been invested in embedding the titling conventions and a withdrawal of these conventions risks further confusing the market. Having the use of 'award' 'certificate' and 'diploma' consistently linked to credit values provides a useful and consistent indicator of size for qualification users. It also helps AOs to identify qualifications for comparability purposes and a move away from this convention may impact on AOs ability to comply with Condition H3.1c. It will of course become difficult to retain this approach if there is no requirement to assign credit values to qualifications in the future. To other AOs, the freedom to use the titles that their markets know and recognise will be a welcome change in arrangements.

Condition E2 stipulates the requirements for qualification titling, but the Federation does not feel this would be sufficient to guarantee consistency in the use of these categories. E2.4 requires that qualification titles are 'not misleading to the users' of the qualifications but we do not feel this is robust enough to guarantee a consistent approach to titling either within sectors or across sectors.

Question 11. When we withdraw the *Regulatory arrangements for the Qualifications and Credit Framework* we will no longer require the use of the term (QCF) in the title of qualifications. We have set out proposals dealing with removal of the term (QCF) from the title of qualifications and the time limits for making those changes. To what extent do you agree or disagree with our proposed approach?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / no opinion

The introductory section at the beginning of this response provides an overview of some of the reasons why the Federations members do not support this proposed course of action. In summary these are:

- Employers and learners are now at a point where they understand and recognise the term 'QCF'. It is a common currency and a short hand for specific types of qualifications. Removing it now would cause confusion.
- There is no proposal for what will replace the QCF and its removal will leave a gap both in terms of how to categorise qualifications and how to explain how they compare with other qualifications.
- A withdrawal of QCF after a relatively short period of time may impact on the perception of the value of VQs that currently reside in the QCF.
- The operational impact on AOs of this change will be significant and should not be underestimated.
- All materials, marketing and promotional collateral will need to be amended which will have significant resource and cost implications for AOs.
- AOs have invested heavily in promoting and explaining the QCF and have educated their markets to understand this term. A removal of it now will require AOs to undertake a similar exercise to explain the changes and this is likely to be even more difficult given that there is no articulation of a qualifications framework to explain to stakeholders.
- Learners with QCF qualifications may be concerned about the currency and value of their qualifications following the change. AOs are likely to see an increase in learner enquiries and requests for information – another resource intensive activity.
- At a time of considerable change in the regulation of VQs we feel that AOs should be supported to focus on ensuring the validity of their qualifications. Operational change required to support a withdrawal of the QCF presents a risk because of the drain they will place on resources that could be better focused elsewhere.
- The cost implications for AOs, many of whom are charities and/or not for profit organisations will be significant and the Federation feels it is unreasonable to expect AOs to finance the dismantling of a framework that was imposed on them and which they had to invest in only 6 years ago.
- AOs have invested heavily in IT systems based on a QCF approach to qualifications. Changes to these systems will have significant cost implications for AOs and will require long lead in times. This represents unplanned expenditure in

budgets which will impact on AOs ability to focus resources on other areas of activity.

In terms of the timescale proposed for changes is it not clear whether the next review date is the timescale proposed for all changes or whether the removal of QCF from the titles of qualifications would be required sooner than that. It is also not clear whether Ofqual will be able to support AOs by removing QCF automatically from entries on the register or whether they expect every AO to do this for every individual qualification. Clarification of the action Ofqual can take centrally to ease the burden on AOs would be appreciated.

Although the timescale of the next qualification review date for the removal of reference to the QCF is more reasonable and manageable than an absolute deadline (i.e. 12 months or 2 January 2015) the regulator should not underestimate the amount of resource investment this will require and the additional burden it will place on AOs who may have a number of qualifications with the same review date.

Question 12. We will still want to have a clear way to explain the relationship between the different qualifications we regulate. We propose an awarding organisation should be required to allocate the right level to each of its regulated qualifications to indicate the relative demand of the qualification. We also propose that the qualifications framework should use eight levels (1 to 8) and three entry levels, as now.

We invite your comments on the proposed approach.

The Federation welcomes the proposal for the continued use of levels. We further welcome the intention of Ofqual that any change to the level descriptors should not result in the need for recalibration of the levels that are currently assigned to qualifications. It is important that levels continue to operate effectively as the basis for comparison across different frameworks, especially the EQF. We believe that levels are useful to the public and other stakeholders as an indicator of the difficulty and challenge of a qualification.

However, we do not agree that levels alone are sufficient basis for the articulation of a qualifications framework.

Question 13. An awarding organisation that had correctly attached a current QCF level descriptor to a qualification should not be required to change that description. To what extent do you agree or disagree with this statement?

Strongly agree

Agree

Disagree

Strongly disagree

Don't know / no opinion

The Federation would be keen to avoid a situation where recalibration of all qualification levels is required. Any recalibration requirement would have serious and far-reaching implications and would impact significantly on all of our members, their centres, learners and other stakeholders. It would also impact on how current qualifications map to other frameworks such as the European Qualifications Framework (EQF) and the Framework for Higher Education Qualifications (FHEQ).

However, we would welcome an opportunity for AOs to be able to choose to amend the level of a qualification where it has evidence that it clearly maps to the updated level descriptors at another level. We would welcome a light touch process that supports this activity where AOs have evidence to support such a change.

Question 14. We have identified a number of ways in which the proposals on withdrawal of the *Regulatory arrangements for the Qualifications and Credit Framework* may impact on persons who share a protected characteristic. Are there any other potential impacts we have not identified?

Yes No, but see comments

If yes, what are they?

The Federation has not identified any additional impact on those who share protected characteristics. We agree with many of the points made in this section of the consultation document and wish to emphasise a couple of points in particular:

- The changes that may be required to qualifications because of the withdrawal of content from sharing will need to be carefully managed if the impact on learners is to be minimised. This will require Ofqual to be very clear in its communication of the status of different units to AOs so they can be sure about what they can and cannot continue to use 'in perpetuity'. AOs also need a reasonable amount of time to replace such content and alert centres and learners to their plans for updating content.
- The proposals relating to titling may lead to less clarity for learners in the future regarding the size of qualifications and it may be more difficult for some learners with protected characteristics to fully understand how a qualification relates to other qualifications on offer in the future.

Question 15. Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?

Yes No

If yes, please comment on the additional steps we could take to mitigate negative impacts.

The Federation believes that Ofqual could help to mitigate any negative impact by:

- Planning and developing a clear and sustained communication campaign to explain to stakeholders the changes that are being made to the QCF, what they do and do not mean and why they are being made. It is essential that the language used to communicate any changes to the QCF or a full withdrawal of the QCF is positive and does not impact negatively on the perception of QCF qualifications or VQs as a whole.
- Responding quickly and consistently to AO requests for clarification about the new arrangements to support them in dealing effectively with centre and learner enquiries. A FAQ document, similar to the one that initially support the GCRs, would aid consistency and communication across the awarding sector.
- Being flexible and reasonable in its regulation where a tension emerges in relation to those with protected characteristics and regulatory requirements and working with AOs to achieve a fair and positive outcome for the learner.

Question 16. Have you any other comments on the impacts of the proposals in this document on persons who share a protected characteristic?

Yes No

If yes, please comment in relation to the specific proposals.

The Federation has nothing further to add.

Question 17. Are there any potential regulatory impacts of the proposals in this document that we have not identified?

Yes No

If yes, what are they?

The proposals within the consultation document have the potential to impact on regulation in a number of ways:

1. We have already made reference to the proposal to describe an AO's recognition by sector and level. We believe this could have an impact on what the regulator expects to be brought into recognition and we are concerned about how this would affect our members and their ability to respond to the needs of their markets. We are also concerned that this could be the driver for more AOs choosing to leave regulation. In addition there is a need to carefully consider the impact this could have on the regulator and its resources if this resulted in many more qualifications coming into regulation.
2. QCF is one category of qualifications and it is not clear whether Ofqual is planning to remove qualification types such as VRQs which are currently without definition. The consultation does not make this clear and AOs would find it useful to understand Ofqual's plans for qualification descriptions beyond those in the QCF.
3. QCF is a term that is widely used by stakeholders to refer to qualifications. Removal of this shared language will leave a gap in terms of how to refer to qualification and we risk ending up with a terms such as 'what used to be the QCF'. We feel it is

important for there to be a common language to articulate an arrangement for qualifications.

4. There has been a period of confusion about the NQF, whether it continued to exist when the QCF came into being and, if so, how the sector should refer to it. There is still a need for a clear communication of the status of the NQF. This experience with the NQF demonstrates the need for absolute clarity about the future status of the QCF, the terminology that should be used to refer to where qualifications reside etc.
5. This proposal comes at a time of significant change where there are a number of important consultations in progress. We have recently submitted a response to the 'Lifting the Accreditation Requirements' consultation and are awaiting Ofqual's response to this consultation. The GLH consultation is running in parallel to this consultation and will potentially impact on GLH calculations. This will undoubtedly impact on the resources of AOs in terms of requiring them to check and, in some cases, recalculate values. We are also in the early stages of validity audits and AOs are not yet in possession of information about how these will work in practice and the evidence they will need to present. It feels that the pace of change is rapid and far reaching. Our concern is that such an intensive wave of activity will require AOs to focus resources on responding to changes that impact on many aspects of their operations. Short term there is a risk that this could divert focus and attention away from other activities that are important to safeguarding the quality of VQs. We would ask that Ofqual considers the impact of the volume of its consultations and proposed changes to ensure it does not over-burden the sector. We support the activity of the regulator and the drive towards being better able to evidence the validity of VQs but would welcome regulatory changes taking place at a measured pace.

Accessibility of our consultations

We are looking at how we provide accessible versions of our consultations and would appreciate it if you could spare a few moments to answer the following questions.

Your answers to these questions will not be considered as part of the consultation and will not be released to any third-parties.

We want to write clearly, directly and put the reader first. Overall, do you think we have got this right in this consultation?

Yes, but see comments No

Do you have any comments or suggestions about the style of writing?

Overall, the language in the consultation document was clear and easy to read. However, there was a view expressed by many members that the level of detail provided in the document was insufficient. We recognise that the overall approach to VQ regulation is evolving within Ofqual at this time but it is difficult for AOs to comment fully on proposals in the absence of detailed information about the overall regulatory approach and, in particular, validity strategies and audits.

In addition, the Federation is concerned that some proposals included in the consultation could have wide-reaching implications for AOs but have been overshadowed by the main

proposals. The description of recognition by sector and level is the primary example of this. We feel that Ofqual should be more explicit about what is being proposed and how this will potentially impact on AOs before asking AOs to agree with the proposals. In the case of the description of recognition we feel that AOs could potentially be misled into agreeing to something which superficially appears to be logical and straightforward but has the potential to lead to some significant implications for their organisations. The Federation feels that this area in particular should have been outlined in more details and either subject to its own consultation or given more prominence in this consultation.

Do you have any special requirements to enable you to read our consultations? (For example screen reader, large text, and so on)*

Yes No

Which of the following do you currently use to access our consultation documents? (Select all that apply)*

- Screen reader / text-to-speech software
- Braille reader
- Screen magnifier
- Speech to text software
- Motor assistance (blow-suck tube, mouth stick, etc.)
- Other:

Which of the following document formats would meet your needs for accessing our consultations? (Select all that apply)*

- A standard PDF
- Accessible web pages
- Large type PDF (16 point text)
- Large-type word document (16 point text)
- eBook (Kindle, iBooks or similar format)
- Braille document
- Spoken document
- Other:

How many of our consultations have you read in the last 12 months?*

1

2

3

4

5

More than 5