

**National Assembly for Wales**  
**Children, Young People and Education Committee**  
**CYPE(4)–02–15 – Paper 2**  
**Qualifications Wales Bill**  
**Evidence from: ColegauCymru**

**Consultation questions**

The Explanatory Memorandum prepared by the Welsh Government describes the Bill's main purposes in the following terms:

The Bill provides for the establishment of Qualifications Wales as the independent regulatory body responsible for the recognition of awarding bodies and the review and approval of non-degree qualifications in Wales. Qualifications Wales will also, along with the Welsh Ministers, be responsible for preparing a list of priority qualifications, designated as such by reason of the significance of the qualification, having regard to the needs of learners and employers in Wales. The intention is, through the establishment of Qualifications Wales, to strengthen the oversight of qualifications and of the qualification system in Wales.

The Bill is intended to address the four main limitations of the current system. These are outlined in the Explanatory Memorandum as:

- there is no single organisation that is dedicated to ensuring the effectiveness of qualifications and the qualification system;
- there are no powers to prioritise qualifications and to thereby focus regulatory activity where it is most needed – with the result that there are large numbers of regulated qualifications but limited resources to ensure effectiveness;
- there are no powers to select a single provider of a given qualification to ensure that learners across Wales take the same qualification; and

- the capacity to drive forward the strategic development of qualifications within the current arrangements is too limited – creating a risk that Wales’ qualifications will not be held in as high esteem, nationally and internationally, as those in other nations.

The Bill provides Qualifications Wales with the following principal aims, and it must act compatibly with these when exercising its functions:

- a) Ensuring that qualifications, and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales; and
- b) Promoting public confidence in qualifications and in the Welsh qualification system.

**Question 1 – Is there a need for a Bill for the purposes outlined above?**

1. ColegauCymru has supported the broad agenda set out in the *Review of Qualifications for 14 to 19-year olds in Wales* (“the Review”) chaired by Huw Evans OBE that reported in November 2012. The recommendation to establish an independent qualifications regulator separate from the Welsh Government was a key recommendation of that report.

2. ColegauCymru contributed constructively to the Review and the extensive follow up work implementing its recommendations.

- In partnership with the Welsh Government, ColegauCymru organised a national consultation conference on qualifications in February 2012 which was addressed by the then-Deputy Minister for Skills, Jeff Cuthbert AM, as well as Professor Alison Wolf of King’s College London, and Huw Evans OBE.
- The report of the Review team in November 2012 reflected many of the main points that ColegauCymru had raised in its submission to the Review in August 2012 (a copy of this submission can be found here: [www.collegeswales.ac.uk/download.ashx?r=628](http://www.collegeswales.ac.uk/download.ashx?r=628)).

3. ColegauCymru suggested, in its submission to the Review, that the regulation of qualifications should be exercised independently of day-to-day ministerial control. We argued that this would bolster public confidence in the quality assurance of qualifications for both general and vocational qualifications. We are pleased to see that the Qualifications Wales Bill enshrines this principle clearly. The strategic legal powers assigned to Qualifications Wales would also help enable it to fulfil its challenging role,

were the Bill to be enacted. **ColegauCymru therefore supports the overarching principles of the Bill.**

4. ColegauCymru has continued to play an active role in the development of the new qualifications regime in Wales through membership of the Welsh Government's Stakeholder Reference Group on qualifications reform among other groups. In all of these discussions we seek to place the interests of learners and the economic and social needs of employers first. ColegauCymru is also engaged in project work with the Welsh Government on the implementation of some of the Review's key recommendations.

5. The four limitations of the current system outlined by Welsh Government in its Explanatory Memorandum are well made and accurate. For these specified reasons - and for the sake of perceived independence from operational governmental control - the Bill is a timely and important development for qualifications regulation in Wales. **ColegauCymru supports the key elements of the Bill.**

If you believe there is a need for the Bill, what are the main issues that need to be resolved?

6. While supporting the principles of the Bill, ColegauCymru believes that there is a need for a clearer remit for Qualifications Wales to fulfil the two additional purposes:

- The promotion of a genuine **parity of esteem between academic qualifications and vocational qualifications** within our society. There is still a significant divergence in the cultural and social attitudes to these forms of study and learning outcomes among the media, learners, parents and employers that leads not only to social injustice but also to significant missed economic opportunities for Wales. Wales' future capacity to prosper as an industrial economy and achieve social inclusion will partly depend on us overcoming this disparity of esteem.
- We consider that Qualifications Wales should **ensure that our qualifications fully aligned and comparable with the European Qualifications Framework (EQF)**. This is a key issue for Wales as many people wishing to work or study in the European Union (EU) will benefit from qualifications that are properly recognised in other parts of Europe. One of the four strategic objectives of Education and Training 2020 (ET2020 – the European Commission's strategic framework for European cooperation in education and training) is to 'make lifelong learning and mobility a reality' therefore the portability of qualifications across Europe will continue to be an important issue if this objective is to be realised by the member states of the EU.

As Wales' National Coordination Point for the EQF, for the European

<p>Credit System for Vocational Education and Training (ECVET) and for European Quality Assurance in Vocational Education and Training (EQAVET), ColegauCymru offers its support to Qualifications Wales in this particular area of work.</p>	
<p>How significant is this issue? (Please select one option)</p>	
<p><i>1 - This is a key, urgent problem.</i></p>	<input checked="" type="checkbox"/>
<p><i>2 - This is a problem that needs to be addressed.</i></p>	<input type="checkbox"/>
<p><i>3 - This is a minor problem</i></p>	<input type="checkbox"/>
<p><i>4 - Not a problem.</i></p>	<input type="checkbox"/>
<p><b>Question 2 – Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum?</b></p>	
<p>7. Yes, we judge that it does generally. However, the caveats outlined above in response to Question 1 should be addressed through specific amendments to the Bill, as we suggest below.</p>	
<p>If not, how do you think the Bill should be amended to take account of this?</p>	
<p>8. ColegauCymru believes that that the two purposes mentioned in our response to Question 1 should be reflected in specific amendments which add subclauses (i) and (j) at section 3 subsection 2. These subclauses should state that Qualifications Wales should also:</p> <p style="padding-left: 40px;">(i) promote the parity of esteem between academic and vocational qualifications and</p> <p style="padding-left: 40px;">(ii) promote the compatibility of qualifications in Wales with the relevant European credit and qualifications frameworks.</p>	
<p>How significant is this issue? (Please select one option)</p>	
<p><i>1 - This is a key, urgent problem.</i></p>	<input checked="" type="checkbox"/>
<p><i>2 - This is a problem that needs to be addressed.</i></p>	<input type="checkbox"/>
<p><i>3 - This is a minor problem</i></p>	<input type="checkbox"/>
<p><i>4 - Not a problem.</i></p>	<input type="checkbox"/>
<p><b>Question 3 – Are the sections of the Bill as drafted appropriate to bring about the purposes described above?</b></p>	

9. Whilst we would not wish to make a technical judgement on the quality of the legal drafting of the Bill, our initial reading is that the clauses of the Bill generally enable the discharge of the Bill's purposes.

If not, what changes do you believe need to be made to the Bill?

10. We have no further comment on Question 3.

How significant is this issue? (Please select one option)

*1 - This is a key, urgent problem.*

*2 - This is a problem that needs to be addressed.*

*3 - This is a minor problem*

*4 - Not a problem.*



**Question 4** – Has the Welsh Government correctly identified the four main limitations of the current arrangement, and will the two principal aims the Bill sets for Qualifications Wales, as well as the eight matters which it must have regard when exercising its functions, effectively address these limitations?

11. Since the inception of the Review of Qualifications, ColegauCymru's position has been that qualifications regulation should, in principle, be exercised at arms length from direct Ministerial control. This is not listed in the four main limitations of the current arrangements and so we would argue that the lack of an arms length approach in the current system is, in effect, a fifth limitation to the current arrangements.

12. As for the eight matters to which Qualifications Wales must have regard, we have already stated above in relation to Questions 2 that amendments should be tabled to the Bill to reflect the matters that we have raised in response to Question 1.

If you believe there are problems in this area, how do you think they could be resolved?

13. The Bill itself, by establishing an arms length arrangement for qualifications regulation in Wales, addresses this point.

How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	<input checked="" type="checkbox"/>
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
<b>Question 5</b> – What are your views on the proposals for determining ‘priority qualifications’ and, within these, ‘restricted priority qualifications’?	
14. The proposals as outlined seem both reasonable and proportionate to the function concerned. An additional regulatory focus on key qualifications seems to be a sensible and prudent. We would expect that both general and vocational qualifications would be considered to be priority qualifications in this regard.	
If you think there are problems in this area, how do you think they could be resolved?	
15. At this stage it is difficult to foresee specific problems in the exercise of this particular regulatory function.	
How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	<input checked="" type="checkbox"/>
<b>Question 6</b> – What are your views on the commissioning type process Qualifications Wales would undertake under the Bill, in respect of restricted priority qualifications?	
16. The commissioning of qualifications is an important function for Qualifications Wales that ColegauCymru supports. Powers in this regard are enshrined into the clauses of the Bill. This function could help address situations where there is market failure for qualifications in situations where Wales has particular economic, educational, social or linguistic needs not currently addressed by awarding bodies.	

If you believe there are problems in this area, how do you think they could be resolved?

17. At this stage it is difficult to foresee specific problems in the exercise of this particular role for Qualifications Wales. ColegauCymru does not have a general concern about this function for Qualifications Wales, as outlined in the Bill.

How significant is this issue? (Please select one option)

- |  |                                     |
|--|-------------------------------------|
| <i>1 - This is a key, urgent problem.</i>                |                                     |
| <i>2 - This is a problem that needs to be addressed.</i> |                                     |
| <i>3 - This is a minor problem</i>                       |                                     |
| <i>4 - Not a problem.</i>                                | <input checked="" type="checkbox"/> |

**Question 7** – How will the Bill change what organisations do currently and what impact will such changes have, if any?

18. At this stage it is difficult to speculate usefully on the Bill’s concrete impact on specific organisations. It is obvious that awarding bodies will be among those organisations that will be most directly affected if the Bill becomes an Act in anything like its current form. We note one challenge in response to the relationship between the Welsh Government’s on-going policy making functions and Qualifications Wales’ responsibilities below.

If you believe there are problems in this area, how do you think they could be resolved?

19. The policy formulation role of the Welsh Government in relation to the broad education curriculum and Qualifications Wales’ role in relation to the qualifications (that accredit the learning outcomes of that curriculum) will have to be coordinated appropriately. This will require a fully worked out modus operandi between the Welsh Government and Qualifications Wales.

How significant is this issue? (Please select one option)

- |  |  |
|--|--|
| <i>1 - This is a key, urgent problem.</i>                |  |
| <i>2 - This is a problem that needs to be addressed.</i> |  |

<i>3 - This is a minor problem</i>	<input checked="" type="checkbox"/>
<i>4 - Not a problem.</i>	
<b>Question 8</b> – What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?	
<p>20. Some of the key potential barriers to the successful implementation of the Bill include:</p> <ul style="list-style-type: none"> <li>• The financial constraints on Qualifications Wales once it is established (if the Bill is enacted)</li> <li>• The responsiveness of awarding bodies to the new regulatory regime in Wales</li> <li>• The establishment of a successful modus operandi between the curriculum-setting policy function of the Welsh Government and the qualifications regulations functions of Qualifications Wales.</li> </ul>	
If you believe there are problems in this area, how do you think they could be resolved?	
<p>21. Successful implementation of the Bill will require a ‘Team Wales’ approach focussed on fulfilling the interests of learners and the social and economic needs of employers. Colleges, and ColegauCymru itself, will play a constructive part in this ‘Team Wales’ approach to making the new system a success when/if the Bill is enacted.</p>	
How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	
<i>2 - This is a problem that needs to be addressed.</i>	
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	<input checked="" type="checkbox"/>
<b>Question 9</b> – Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?	
<p>22. We note the assurance of the Welsh Government that the Bill is within the legislative competence of the National Assembly.</p>	
<b>Question 10</b> – What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments,	



including regulations, orders and directions)?

In answering this question, you may wish to consider Section 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

23. The proposed use of the affirmative resolution procedure for the various regulations that will flow from the Bill when/if it becomes an Act is appropriate given the intention of the Bill to suitably distance qualifications regulation from operational Ministerial control.

**Question 11 – What are your views on the financial implications of the Bill?**

In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

24. In the current climate of general reductions in public spending all proposals to increase the net cost of public service functions must be subject to rigorous scrutiny and challenge.

25. All of the viable options (Option 1b to Option 3) presented in the Explanatory Memorandum require some additional public expenditure, which is to be expected given the additional regulatory functions to be undertaken. We also note that the additional monies required to fund these functions would, in all likelihood, be taken from other elements of the education and skills budget in Wales - including the actual delivery of programmes of learning (leading to qualifications) by education and skills providers. It is concerning therefore that the annual operating costs for option 3 (the preferred option) is around £2.8m-£3m more than that of Option 1b.

26. We would therefore request that the projected running costs of Qualifications Wales is subject to a further rigorous benchmarking review by officials and the Wales Audit Office prior to any budget being agreed by the Welsh Government for the new body. Every publicly funded body in Wales has to demonstrate that its operations are as lean, efficient and economical as possible in the fiscal circumstances we face.

**Question 12 – Are there any other comments you wish to make about specific sections of the Bill?**

27. There are no further points that we wish to make. We are happy for this submission to the committee to be placed in the public domain.

