

**National Assembly for Wales
Children, Young People and Education Committee
CYPE(4)–03–15 – Paper 2
Qualifications Wales Bill
Evidence from: National Training Federation for Wales
(NTfW)**

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?

Yes. NTfW strongly believes that there is a need for the Qualifications Wales Bill.

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

NTfW notes (and agrees with) the four main limitations of the current system that has brought about the requirement for Qualifications Wales, most notably:

- there is no single organisation that is dedicated to ensuring the effectiveness of qualifications and the qualification system;
- 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.

With the two limitations above in mind, and being mindful that the focus is at a qualification level, NTfW would continue to advocate that Qualifications Wales also adopts a wider remit of becoming the gatekeeper for Apprenticeship Frameworks in Wales.

There is a recognition that the apprenticeship offer across the UK is becoming increasingly divergent (most notably between England and the other nations of the UK), and it is with this in mind that NTfW would welcome (strongly) an increased role for Qualifications Wales in the area of Apprenticeships, and would particularly welcome Qualifications Wales becoming the 'Issuing Authority' for Apprenticeship Frameworks in Wales.

It is noted that reference is made to the potential for Qualifications Wales to become an "*issuing authority in due course*" within the Explanatory Memorandum, albeit within Annex C (Glossary)

It is also noted that within its analysis of who will be affected by the legislation, the Explanatory Memorandum para. 102 states:

"For those employers who provide work-based learning, or apprenticeships, it is expected that they will also feel the benefits of qualifications that better meet their needs as well as economic benefits from any qualification investment made in their workforce, and that a cumulative effect will be felt across the economy of Wales as a whole.."

It is with the above, and a number of the 'matters to which Qualifications Wales is to have regard' that NTfW would also advocate that Qualifications Wales ensures a strong role in the coordination of the emerging Sector Qualifications Advisory Panels to ensure that the Vocational Qualifications (VQs) developed in Wales (for Wales) are 'fit for purpose'

By ensuring the two things listed above are done, this would ensure the quality of the Apprenticeship Frameworks in Wales, and the

quality of the qualifications within them.

If there support for the above amongst key stakeholders involved with the development of Qualifications Wales, then there is a current window of opportunity as Welsh Government will shortly be announcing a Review of Apprenticeships (as outlined in the Skills Implementation Plan)

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

<i>1 - This is a key, urgent problem.</i>	X
<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>	

Question 2 – Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum?

Notwithstanding the comments in Question 1 above, then Yes, NTfW believes the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum.

If not, how do you think the Bill should be amended to take account of this?

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>	

Question 3 – Are the sections of the Bill as drafted appropriate to bring about the purposes described above?	
Notwithstanding the comments in Question 1 above, then Yes, NTfW believes the sections of the Bill, as drafted, are appropriate to bring about the purposes described above.	
If not, what changes do you believe need to be made to 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>	
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?	
Yes. NTfW believes that the Welsh Government has made the correct judgement in regards to the limitations of current arrangements, and that the principal aims, and matters which it must regard when exercising its functions, will effectively address these limitations.	
If you believe there are problems in this area, how do you think they could be resolved?	
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>	
Question 5 – What are your views on the proposals for determining ‘priority qualifications’ and, within these, ‘restricted priority qualifications’?	
<p>NTfW believes that the proposals are proportionate to the desired outcome(s).</p> <p>NTfW recognises that ‘priority’ and ‘restricted priority qualifications’ would mainly involve General Qualifications (GQs) and as such would the proposed approach (and intended outcome) would promote confidence amongst all stakeholders.</p>	
If you think there are problems in this area, how do you think they could be resolved?	
How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	X
<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>	
Question 6 – What are your views on the commissioning type process Qualifications Wales would undertake under the Bill, in respect of restricted priority qualifications?	
<p>NTfW believes that the proposals are proportionate to the desired outcome(s). However, any commissioning process will need to be fair, open and transparent. In addition, we must recognise that the qualifications ‘market’ in Wales is comparatively small, and that a restrictive commissioning process will be counterproductive to provider and employer choice and/or meeting the unique needs of Wales.</p>	

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

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.*

X

3 - *This is a minor problem*

4 - *Not a problem.*

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

NTfW feels that the introduction of the Qualifications Wales Bill, will have a more significant impact on awarding bodies than its members. The biggest risk associated with the introduction of the Bill, is that awarding bodies could decide that they will no longer offer their qualifications in Wales, and therefore this will have an impact on provider (and employer) choice.

It is recognised within the Explanatory Memorandum that “*over 120 other awarding bodies are also recognised to offer other regulated qualifications in Wales, and these mainly award vocational qualifications*” As outlined in our response to the consultation ‘Our Qualifications Our Future’ NTfW raised its concerns that any restriction on awarding bodies to operate in Wales, would have a detrimental effect on choice, especially as it is felt that no one awarding body would have the breadth of specialism required to work across the broad spectrum of sectors within Wales.

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

By having fair, open and transparent recognition and commissioning processes as identified in the response to Question 6.

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>	X
<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	

Question 8 – What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

NTfW is mindful that we are currently in a period of continued budgetary constraints, and as such the main potential barrier is that of the funding allocations (initial and continued) for Qualifications Wales to fulfil its functions. Although there are well costed models, there is uncertainty about future budgets within the education and skills budget.

The other potential barrier is that of awarding bodies being un-receptive to the proposed changes, and thereby creating a period of uncertainty in the qualifications landscape in Wales.

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

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

<i>1 - This is a key, urgent problem.</i>	X
<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>	
<p>Question 9 – Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?</p>	
<p>NTfW takes assurance from the fact that the Minister for Education and Skills is confident that (through his Member’s Declaration) that the Qualifications Wales Bill falls within the competence of the National Assembly for Wales.</p>	
<p>Question 10 – 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)?</p> <p>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.</p>	
<p>NTfW believes that this is right and appropriate.</p>	
<p>Question 11 – What are your views on the financial implications of the Bill?</p> <p>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.</p>	
<p>As alluded to in Question 8, NTfW is aware that the funding (initial and ongoing) for Qualifications Wales will be drawn from the education and skills budget, which is (and no doubt will continue to be) under pressure from other Welsh Government budget priorities. Therefore, NTfW strongly advocates that Qualifications Wales is established and managed within the knowledge that any budgets allocated draws resources away from the direct delivery of teaching and learning to learners at all levels within the education system, and as such, further scrutiny is required, to ensure that Qualifications</p>	

Wales represents the best value for money.

NTfW fully supports the establishment of Qualifications Wales, as a body independent of government, in order that it can achieve its vision and fulfil its functions as outlined in the Bill. However, this must not come at a cost which is unsustainable, and draws resource away from the delivery of teaching and learning.

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

NTfW notes that one of the stated aims of Qualifications Wales is “*Promoting public confidence in qualifications and in the Welsh qualification system*” However, it is concerning to note that within the proposed budget for Option 3 (the preferred option) that only £50k is set aside for ‘promotion and awareness campaigns’ (see Annex B to Explanatory Memorandum, table 28) Surely, if Qualifications Wales wishes to achieve this aim, then a significant increase to this budget line needs to be made (within the overall proposed budget)?