

National Assembly for Wales
Children, Young People and Education Committee
QW 15
Qualifications Wales Bill
Evidence from : NUT Cymru

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.

Past GCSE fiasco’s have demonstrated that there is, or at least will be, a concern about the legitimacy of Welsh Qualifications should the Welsh Minister retain the power to regulate awarding bodies. That the Bill proposes this transfer of power to an independent body is much needed and welcomed. It is also pleasing that the body will be reporting to the National Assembly for Wales rather than simply to the Minister. This should ensure a politically neutral approach to Welsh Qualifications.

The make-up of the body will need to have the confidence of the wider education sector. With that in mind it would be preferable if the teaching profession are at the heart of discussions around the role of Qualifications Wales and the changes it will bring to Welsh education.

Having an independent body to oversee qualifications should eliminate any oversights that have previously occurred, specifically with relation to GCSE English, which have undermined the credibility of the system at times in the past.

Within the Bill it is expressed that there would be a hope that

requirement to publish information to stakeholders will lead to further engagement. We believe that it would be more appropriate to insist on this taking place as part of the Bill, thus placing a remit on Qualifications Wales to undertake that process.

It would be advisable to ensure there is a detailed list of stakeholders, including trade unions, to which the body must consult. Leaving this as a vague list to be determined by Qualifications Wales could result in accusations that the body is not engaging efficiently or that engagement is not centred on a proper element of challenge to the practices of the body.

We have long since argued, as have other trade union colleagues and stakeholders, that the body should not be given awarding powers. The regulation and awarding roles need to be separated. That they haven't been in the past is one reason there have been high profile issues with results. Splitting the roles has been a positive step and should not be allowed to change in future.

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

As above

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

On the whole this appears to be the case.

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>	X
Question 3 – Are the sections of the Bill as drafted appropriate to bring about the purposes described above?	
Yes	
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>	X
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?	
For the most part the Welsh Government has identified the key issues. There will remain a concern that the regulating role and awarding role could eventually come together under the remit of Qualifications Wales and there also remains a concern as to how public confidence is retained by the new body.	
If you believe there are problems in this area, how do you think they could be resolved?	
Including a commitment in the Bill that Qualifications Wales will never undertake a dual awarding and regulatory role would be a	

step to tackling the first issue outlined above.

Ensuring confidence in the system requires a more subtle approach as this will need to be achieved through demonstrating the high quality of qualifications over a long-term period; communications with the education sector, employers and further education institutions and highlighting the independence of the body.

Of course permanently splitting the regulatory and award roles will in the first instance be a step in the right direction of public confidence.

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 5 – What are your views on the proposals for determining ‘priority qualifications’ and, within these, ‘restricted priority qualifications’?

There may need to be greater work done to show how this works in practice before any serious comments can be made as to support or criticism for the proposals.

We would also wish to have assurances around how this would impact on different learners; different subject leaders and a commitment to reviewing the proposals at an early stage to measure the impact they would have.

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

Greater details outlined within the explanatory memorandum.

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 6 – What are your views on the commissioning type process Qualifications Wales would undertake under the Bill, in respect of restricted priority qualifications?	
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 7 – How will the Bill change what organisations do currently and what impact will such changes have, if any?	
<p>This is unclear at present but we would expect limited or no change for learners and teachers.</p> <p>It is important that any changes are based on consultation with the profession and that they are impact assessed throughout the process to ensure that they are not creating unintended problems for the sector.</p>	
If you believe there are problems in this area, how do you think they could be resolved?	
Strengthen the need for consultation within 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>	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?	
<p>Delivery of any new policies, initiatives or projects is proving hugely difficult in the existing financial climate. Establishing a new body will undoubtedly be expensive and will impact on other areas of the education budget.</p> <p>Several recent reviews of Welsh Government policies have highlighted how implementation has been flawed due to the pace of change being too fast and an inadequate provision for training and support. These should be primary considerations in the establishment of Qualifications Wales, especially considering the vital importance of getting the first few examinations correct.</p>	
If you believe there are problems in this area, how do you think they could be resolved?	
<p>Adequate provisions put in place for funding, time and expertise.</p> <p>Review the entire education budget for Wales.</p>	
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 9 – Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?

This is within the competence of the National Assembly for Wales as far as we are concerned.

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)?

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.

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.

Establishing a new body will cost. We are already seeing significant impacts on education standards due to in-year budget cuts levelled at the education budget. No doubt schools will be forced to make redundancies in the near future and standards will be impacted further. Any additional, or unplanned, expenditure will hit the ability of schools to deliver the highest standard of education.

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

It is absolutely imperative that Qualifications Wales remains independent of Welsh Government and that the role of regulator and awarding body remain separated. These two guiding principles should be at the very heart of this process for the new body to

retain the confidence of the education sector and the wider public.

While it is wholly appropriate for the Welsh Government and Qualifications Wales to have a close working relationship, and to share concerns and criticisms, these should always be done in a formal and on the record manner to have a paper trail of accountability.

There exists some confusion about whether the jurisdiction for vocational qualifications will fall under the remit of Qualifications Wales. Definitive clarity on this issue would be advisable.