

**Federation of Awarding Bodies –response to the Qualification Wales
Consultation on the options for the reform of Qualifications in the
Construction and the Built Environment sector in Wales, April 2018**

Part 1: About you

Q1 Name- Ailin O’Cathain

Q2 Job Title or Relevant Role- Head of Policy

Q3 a) Your organisation – Federation of Awarding Bodies (FAB)

What type of organisation is this? - Other (please describe)

The Federation of Awarding Bodies is the trade association for vocational and technical awarding organisations (AOs) with 125 organisations in full membership ranging from large generic AOs to those working in specific occupational areas, including professional bodies.

Many of our members operate in Wales, as well as in other parts of the UK, and are recognised by Qualifications Wales. We therefore have an interest in the consultation relating to the future arrangements for qualifications in the Construction and Built Environment in Wales and we welcome the opportunity to comment on the consultation proposals. Our interest relates to how the proposals could impact on the CBE sector, learners who wish to achieve qualifications in this sector and the awarding bodies who operate in the market. It also relates more broadly to the approach being taken by the regulator in Wales and the potential wider implications of this approach for learners and the qualifications landscape in Wales.

This response is submitted on behalf of the Federation’s membership following consultation with them and with the Federation’s Board of Directors. However, AOs are a diverse community and our members may wish to make their own individual submissions containing their own perspectives and emphases, in addition to any comments forwarded to the Federation for inclusion in this overall response.

Q4 Are you responding on behalf of yourself? I am responding on behalf of the organisation named above.

If responding on behalf of self:

Q5 Do you have an interest in the CBE sector? No

Q6: Is this: Please select as many as apply. Not applicable

- i) Through my current employment (as given above)
- ii) Through my past employment
- iii) As a member of a professional/specialist body
- iv) As a current, potential, or recent learner
- v) As a parent of a current, potential or recent learner
- vi) Other (please state)

Q7 Does your awarding body currently award construction and/or building services qualifications in Wales? Not applicable

Q8 Before reading the review and this consultation had you been aware of Qualifications Wales' Sector Review of Construction and the Built Environment?

- i) Yes

Q9 Did you contribute to the Sector Review?

- i) No

Q10 How did you contribute to the review? Select all that apply- Not applicable

- i) I was interviewed
- ii) I attended a discussion group
- iii) I attended a presentation or workshop
- iv) I attended one or more of the formal Stakeholder Reference Panel meetings
- v) I replied to the online consultation
- vi) I undertook another activity in connection with the review (please state)

Q11 Do you consent to your name and organisation being cited if we should quote from your response in any written analysis of the consultation responses?

- i) Yes

Part 2 – your response to the consultation

Please respond to the following questions as appropriate to you or your organisation. On open text questions, if you do not wish to respond please state “no response”.

Learning Area A

The following questions relate to the two options described in the report under Learning Area A.

Q1 In your view, what are the advantages and disadvantages of option A1 (Continue to designate existing (and/or new) qualifications as eligible for use on publicly funded courses for learners under 19.). Please outline any positive or negative impacts that you feel that option A1 would (or might) have on you or your organisation, learners, employers, or other stakeholders.

The Federation welcomes that Qualifications Wales has taken time to research the needs of the sector and is taking a sectoral approach to reviewing the sector and determining the future arrangements for qualifications in Wales. We fully support the opportunity this approach provides for sectors representatives to state their views on the future qualifications needs of their sector. The Federation believes this approach is preferable to the 'one size fits all' approach that is being adopted in other jurisdictions. Furthermore, we welcome Qualifications Wales' assertion that the application of a restricted approach to the future provision of qualifications in sectors that are subject to review is not a foregone conclusion and will not necessarily be the approach that will be implemented in response to this, or future, sectoral reviews. However, as this is the second sector review that has been conducted and follows shortly after the decision to restrict qualifications in the Health and Social Care market, the indications are that the regulator does indeed favour restriction of qualifications.

As we have stated in previous communications and consultation responses, the Federation is supportive of an open market for qualifications within Wales (and other jurisdictions). We are consequently supportive of Option A1 and believe that organisations in the market in Wales should be free to choose to develop qualifications which best meet the needs of their specific sector, employers and learners.

The advantages of this approach are:

- **Innovation in the market** –competition in the market is a key stimulus of innovation and continuous improvement in the offer provided to centres and learners.
- **Levels of customer service provided to centres and learners** – having a range of awarding bodies operating in the market ensures there is alternative provision that centres and learners can seek if service is not maintained at acceptable standards.
- **Focus on employer and learner needs**- awarding bodies recognise that it is imperative in a competitive market to provide qualifications that are valued by employers and learners and provide learners with the skills and knowledge that employers need. The Federation does not believe that all employers have the same needs that can be addressed through one centrally defined qualification. Allowing awarding bodies to continue to work with employers to develop qualifications will ensure that the needs of many more employers can be reflected in the qualification offer in Wales.
- **Flexibility and responsiveness** – linked to the point above, where an awarding body identifies that the needs of employers and learners have changed they are able to review qualifications and update them to reflect current needs in the market. This can be done quickly as the awarding bodies will be more able to be agile when they are not tied into contracts with the regulator.
- **Safeguards future choice of qualifications in the market** –having an open and competitive market will mean that awarding bodies will be able to maintain the required levels of knowledge and expert resources in this sector and continue to utilise this to provide valued qualifications. This means that it is more likely that, should one awarding

body fail, there will be another awarding body with the means to make similar provision available to learners.

- **Closer alignment with qualifications in other jurisdictions and greater portability for learners** – continuing to offer a designated approach to qualifications in these sectors will result in a qualification offer that is more likely to align more closely with the qualifications in other jurisdictions. This makes it more likely that the qualifications will be recognised and valued by employers beyond the Welsh border and will be of greater value to learners who wish to pursue a career outside of Wales.
- **Avoids the disadvantages and risks associated with a monopoly market** - if Qualifications Wales pursues restriction of qualifications in this sector then the risks associated with the single point of failure of the ‘monopoly awarding body’ will be introduced to the market. It will be highly unlikely that there will be any other awarding body in Wales in a position where it could quickly and effectively pick up the awarding of the qualifications from the failing awarding body. This has the potential to impact significantly on the learners and the whole sector in Wales.
- **Employer and learner choice** - the Federation understands that the choice of qualifications available can be perceived as being confusing for learners, employers and other stakeholders. However, we do not believe that taking choice away is an appropriate or proportionate response. What is needed is effective information, advice and guidance about the qualifications that are available to learners. This needs to be available from a young age so learners and their parents are aware of and understand the choices that are available. Empowering learners to make informed choices is a far more desirable way forward than removing all choice.

The disadvantages of this approach are:

- **The potential for a variance in standards across different awarding bodies** – the Federation understands that where a number of qualifications exist in the same space there is the potential for different standards to be upheld. However, the Federation believes that the effective application of regulation should be sufficient to identify and address any issues with standards and the qualifications offered by individual awarding bodies. It is for this reason that we have supported the work of Qualifications Wales as a dedicated regulator for Wales. If regulation is not able to achieve this without removing all choice from the market, then the value added by the regulator is questionable.

Q2 In your view what are the advantages and disadvantages of option A2 (Develop approval criteria with a view to approving one or more versions of these qualifications for use in Wales.)? Please outline any positive or negative impacts that you feel that option A2 would (or might) have on you or your organisation, learners, employers, or other stakeholders.

The Federation believes that the Standard Conditions of Recognition that awarding bodies must comply with are a comprehensive set of requirements and, if awarding body compliance with these is

effectively monitored, should give the regulator confidence in the qualifications that are being awarded under its recognition.

However, if Qualifications Wales identifies other requirements for qualifications that are best articulated through the development of additional approval criteria, we believe that awarding bodies could work with these and continue to operate in the market in Wales if option A2 i) is adopted and the regulator approves more than one version of qualifications. We believe that any awarding body who can demonstrate its ability to work in line with the additional approval criteria should be recognised by the regulator to award these qualifications (option i) in the consultation document).

The potential advantages of this approach are:

- Qualifications Wales could work with awarding bodies to develop effective approval criteria. A robust accreditation process, operated by Qualifications Wales, could ensure that these criteria are fully adhered to by awarding bodies before they were approved to offer their qualifications as a funded offer to the market. This will ensure that the needs of the market, as identified by Qualifications Wales, are met by all the qualifications that are accredited.
- Centres will be able to retain their power to choose which awarding body they work with (based on customer service standards, existing centres approvals etc.). Learners too would have a choice of which 'brand' they chose to have on their qualifications certificate, safe in the knowledge that the qualification itself was the same and quality assured by Qualifications Wales.
- The disadvantages of creating a monopoly market in Wales are avoided, not least of which is the creation of a single point of failure.

The potential disadvantages of this approach are:

- If the approval criteria narrowly define the type of approach that needs to be applied in the design, development and assessment of qualifications then the potential for innovation, flexibility and employer/learner responsiveness is curtailed.
- If the approval criteria have no flexibility and are too rigidly applied they present a risk to overall qualification validity. Awarding bodies have had direct experience of this with the QCF criteria which were enforced even where undermined the overall validity of a qualification.

Q3 Please indicate your preferred option. This might include any other alternative approach that you wish to recommend. Please state the reasons for your view.

The Federation's preferred option is for designation to continue in this market. This will allow awarding bodies to make the choice about whether or not to continue to operate in this sector, taking into account: what is required by centres and learners; the interdependencies within their overall qualification portfolio; and, the wider mission, values and charitable objectives of the organisation.

Most importantly, the Federation believes that the continuation of the designated approach is the best option for employers, centres and learners who will continue to benefit from the positive features that competition in the market brings; innovation, a focus on customer service, agility and flexibility and responsiveness to the needs of a range of employers and learners.

We do not believe that awarding bodies need Qualifications Wales to make arrangements to provide the whole market to one awarding body. Awarding bodies have been, and continue to be, more than capable of analysing markets and making their own business decisions about the feasibility of entering, remaining or withdrawing from that market. The enforced withdrawal of awarding bodies from a market is highly undesirable and potentially problematic for some awarding bodies in relation to their overall portfolio of qualifications in Wales.

If Qualifications Wales decides to pursue option A2, then our preferred option is A2 i) as this will still allow more than one awarding body to operate in the market and has the potential to avoid the risks of associated with a monopoly situation in the market.

Q4 (for awarding bodies only) Please outline your views on whether your organisation would be likely to submit existing qualifications (subject to minor adjustments to reflect the requirements of approval criteria and the need to provide assessment through the medium of Welsh and English):

- i) If there was no restriction in place and as many specifications as met the criteria would be approved; and**
- ii) If there was a restriction in place and the successful application was to be guaranteed sole access to the market for a defined period which may be in the region of five years.**

Not applicable. Our members will respond to indicate their individual organisational positions in relation to their qualifications.

Learning Area B

The following questions relate to the two options described in the report under Learning Area B (full-time further education provision).

Q5 In your view, what are the advantages and disadvantages of option B1 (Aim to designate the new qualifications -developed in England for use on T-level programmes – for use on publicly funded courses in Wales). Please outline any positive or negative impacts that you feel that option B1 would (or might) have on you or your organisation, learners, employers, or other stakeholders.

The development of T levels for use in England is in progress at the moment but there is still much detail to emerge in relation to the content and purpose of the technical qualifications that will sit within T levels. We do not therefore feel it is appropriate to plan to use these qualifications elsewhere in the UK.

The advantages are:

- 1- **Clear alignment** of the technical education systems across different countries of the UK.
- 2- **Portability of qualifications** across the Welsh border for learners who wish to work in England (once employers in England know about, understand and value T levels in England).
- 3- **Fewer qualifications** for national employers to understand and the ability to harmonise recruitment requirements across sites in England and Wales.

The disadvantages are:

- 1- **Purpose of T levels is not clear**- T levels are being designed to take a learner to 'threshold competence'. There is a lack of clarity around just what this term means in reality, how it can be graded and how employers will be supported to understand what it means in relation to the level of skills and knowledge that learners have. It seems undesirable to us to replicate these concerns in the Welsh education system.
- 2- **Copyright issues** - the copyright associated with the content of the T levels will pass to the Institute for Apprenticeships and will not reside with the awarding body. We do not have clarity of the extent of the copyright that will be required by the Institute. It may be that the awarding body is not licensed by the Institute to use that content for purposes other than the provision of T levels in England so may not legally be allowed to offer these qualifications in Wales.
- 3- **Relevance of T level content**- this will be developed by the employer T level panels that have been set up for England. The content will not therefore be designed to take into account the needs learners and employers in Wales.
- 4- **Policy change** - using a product that is a direct response to policy in England will put the Welsh market at the mercy of changes to policy in England which has a track record of frequent change in relation to technical/vocational education.
- 5- **Single licence** - T levels will be licensed to one awarding body for England and this something that the Federation is opposed to for all the reasons we have articulated above, related to the risks of monopoly situations. We do not support this monopoly position in England and would not support its extension across the border into the Welsh market. Furthermore, the single license will be awarded by the Institute for Apprenticeships (though currently it is residing with the Department for Education in England). It is not clear how Qualifications Wales would have any involvement in that process in terms of ensuring the award of the contract best served the needs of learners in Wales.

Q6 In your view what are the advantages and disadvantages of option B2 (Commission new broad Foundation and Progression qualifications, with trade-specific pathways, for use in Wales)? Please outline any positive or negative impacts that you feel that option B2 would (or might) have on you or your organisation, learners, employers, or other stakeholders.

The Federation has stated in previous communications and consultation responses, that we do not support the commissioning of qualifications from one awarding body in Wales. We do not therefore support Option B2 and believe that organisations in the market in Wales should be free to choose to develop qualifications which best meet the needs of their specific sector, employers and learners.

The advantages of this option are:

- **Bespoke provision for Wales**- this option provides the opportunity for the regulator to coordinate the development of qualifications that are designed specifically for learners and employers in Wales.

The disadvantages of this option are:

- **A potential increase in the burden for centres** – it is likely that some centres will need to seek and maintain centre approval from the ‘monopoly awarding body’ even though the bulk of their provision is awarded by another awarding body whose systems and processes they are familiar with.
- **Portability for learners** – developing qualifications that are only for learners in Wales makes it less likely that the qualifications will be recognised and valued by employers beyond the Welsh border and may therefore be of less value to learners who wish to pursue a career outside of Wales.
- **The risks associated with a monopoly market** - if Qualifications Wales limits the commissioning of qualifications in this sector to one version then the risks associated with the single point of failure of the ‘monopoly awarding body’ will be introduced to the market. It will be highly unlikely that in the future there will be any other awarding body in Wales in a position where it could quickly and effectively pick up the awarding of the qualifications from the failing awarding body. This has the potential to impact significantly on the learners and the whole sector in Wales.
- **Costs to awarding bodies** – we have seen through the recent commissioning in the health and social care sector in Wales that the costs and resource burden placed on awarding bodies through this commissioning approach is substantial. Although this may be worthwhile for the awarding body who wins the contract, it is not a recoverable investment by those who do not win the bid. These costs may mean that some awarding bodies can never afford to bid or may only be able to afford to bid once. This type of activity diverts resources away from other activities that could have a more direct and beneficial impact on the quality of the qualifications, learner support and innovation. The Federation does not view this as valuable use of awarding body resources.

- **The 'ripple effect' across awarding body portfolios and destabilising of the market-** restrictions in this part of the market in Wales could impact on other sectors in Wales. Many awarding bodies will offer a portfolio of qualifications in Wales and the loss of one sector (which may be economically viable and central to their whole portfolio) may make the continued provision of loss-making/break-even qualifications in other sectors no longer viable. We believe that awarding bodies' portfolios are varied and complex and that the manipulation of the market in one sector could have many unintended consequences in other parts of the market, ultimately resulting in learners in Wales not being able to access the full range of qualifications that learners in England have available to them.

Q7 Please indicate your preferred option. This might include any other alternative approach that you wish to recommend. Please state the reasons for your view.

The Federation would want to see the continuance of the designated approach in Wales. Where the regulator has identified specific issues with the quality of assessment, this should be addressed directly with the specific awarding bodies and action to address the shortfalls should be monitored closely until they are addressed. Ongoing regulatory oversight should be effective to ensure that no further issues arise.

If designation is not provided as a way forward, we believe awarding bodies could work with approval criteria where access to the market was provided to all awarding bodies who can evidence how they meet the criteria.

Our position is, and has always been, that the market in Wales should be open to all awarding bodies who work in compliance with the Standard Conditions of Recognition.

Learning area C

The following questions relate to the two options described in the report under Learning Area C (apprenticeships).

Q8 In your view, what are the advantages and disadvantages of option C1 (Designate, where possible, end-point assessments that are developed for use in England on Trailblazer programmes and continue to regulate NVQs where these are still offered). Please outline any positive or negative impacts that you feel that option C1 would (or might) have on you or your organisation, learners, employers, or other stakeholders.

The Federation believes that many of the points detailed in response to Question 5, above, are relevant here, in particular:

The advantages are:

- 1- **Clear alignment** of the apprenticeship systems across different countries of the UK.

- 2- **Greater portability of apprenticeships** across the Welsh border for learners who wish to work in England (once employers in England know about, understand and value end point assessments in England).
- 3- **Fewer qualifications** for national employers to understand and the ability to harmonise recruitment requirements across sites in England and Wales.

The disadvantages are:

- 1- **Relevance of content**- the standards and assessment plans for end point assessments will be developed by the employer (trailblazer) panels that have been set up for England. The content will not therefore be designed to take into account the needs learners and employers in Wales.
- 2- **Challenges in complying with regulations** – end point assessments do not meet all the General Conditions that Ofqual has in place and may therefore be unlikely to meet all of the Standards Conditions in Wales. We would point the regulator to the current Ofqual consultation on [regulating end point assessments](#) for further information.
- 3- **Policy change** - using a product that is a direct response to policy in England will put the Welsh market at the mercy of changes to policy in England which has a track record of frequent change in relation to technical/vocational education including apprenticeships.
- 4- **Exclusion of awarding bodies who have not sought to be an end point assessment organisation in England** – for an awarding body to deliver end point assessments in England, they must first apply to join the register of end point assessment organisations. This is a resource intensive process and many awarding bodies have chosen not to do this and to focus their business on other areas of provision. It does not seem fair that awarding bodies who have made a decision based on their analysis of the market in England should be effectively barred from having their qualifications used in the Welsh apprenticeship frameworks which are very different to the new apprenticeship standards in England and governed by separate and devolved policy.

Q9 In your view what are the advantages and disadvantages of option C2 (Commission a generic qualification, with trade-specific knowledge-tests, for use on apprenticeships in Wales, combined with an enhanced employer gateway)? Please outline any positive or negative impacts that you feel that option C2 would (or might) have on you or your organisation, learners, employers, or other stakeholders.

Please see the points detailed in response to Question 6, above, which are also relevant here.

Q10 Please indicate your preferred option. This might include any other alternative approach that you wish to recommend. Please state the reasons for your view.

The Federation believes the points detailed in response to Question 7, above, are relevant here.

The following questions relate to our proposals more generally

Q11 (for awarding body representatives only) Would your awarding body be interested in bidding to develop and award the new qualifications identified under options B2 and C2?

Individual members of the Federation will address this question.

Q12 Please comment, if you wish, on our analysis of the different options for addressing the issues identified by our sector review.

The Federation does not see how the proposals will fully address some of the fundamental issues identified in the sector review report. On page 8 of the report, point 5 lists a number of issues identified in relation to the overall qualifications system and we do not see how the proposals address issues such as those related to teachers and assessors, information about the qualification system and the challenges of attracting enough young people into the sector. Furthermore, we believe that the proposals to restrict qualifications can only serve to exacerbate the feelings expressed by SMEs in relation to a 'one size fits all' approach.

We believe the options that have been considered are too narrow and potentially look to qualifications to solve issues that they cannot ever solve. The qualification offer is part of a much larger eco-system and whilst the report on the sector seems to reflect this wider system, the solutions offered do not.

Q13 Please comment, if you wish, on the grounds for imposing a restriction that we have identified.

The Federation does not believe that Qualifications Wales should restrict access to the market on the basis that the market may not be big enough to support more than one awarding body. Awarding bodies operate as businesses, whether they are purely commercial in nature, charities or not-for-profit organisations. The Federation believes that our members have the business acumen to make their own decisions about which markets to operate in. Awarding bodies have managed, for many years, to make their own business decision and some have chosen not to operate in Wales, or in specific sectors in Wales, based on an informed understanding of their entire business portfolio and their business aims and objectives. Others have chosen to remain in the market in Wales either because it is economically viable or because it fulfils another business objective to which they are committed. We do not believe that the imposed restriction of markets by the regulator is something that awarding bodies need and neither do we believe that it is a healthy approach for the market as a whole.

The Federation believes a move to a monopoly position in the provision of qualifications has many potential disadvantages for centres and learners and consequently we do not believe it is the most effective solution to address the concerns of the sector.

Q14 Are there any other points you would like to make about this consultation? If you do not wish to express a view, please state "no response".

In terms of any competitive tendering opportunity, we would emphasise the need for the different Lots offered to operate independently of each other so that each awarding body that applies has the same opportunity to win the Lot irrespective of their success in previous Lots. The cost of preparing bids is

significant so it is vital that awarding bodies have a fair opportunity of winning each Lot they apply for. If this is not to be the case, then it should be made clear to ABs before they invest in the development of a bid for specific Lots.

We also believe that the implications of restricting the market in this sector have the potential to extend beyond the immediate sector and may impact on an ABs ability and willingness to offer qualifications in other sectors in Wales. The sector by sector review approach, whilst having many benefits, has the major disadvantage of not allowing ABs to plan confidently for the future of its whole portfolio in Wales. Visibility of the shape of the 'bigger picture' is often necessary before decisions on smaller, specific areas of provision can be made.

Further information

Further information and clarification can be obtained from Ailin O'Cathain, Head of Policy, ailin.ocathain@awarding.org.uk, telephone: 020 37863171