

National Assembly for Wales
Children, Young People and Education Committee
QW 06
Qualifications Wales Bill
Evidence from : Estyn

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?

We believe there is a need for a Bill to establish a single qualifications body for Wales. This body should ensure that Wales-only qualifications better meet the cultural and economic needs of Wales. It should also promote public confidence in qualifications especially in relation to Wales-only qualifications.

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

The separation of QW from government will establish an independent regulatory function for qualifications in Wales. Issues to do with comparability in how standards of regulatory requirements are set by comparison with other countries in the UK and Europe will be important. There must be comparability of approaches to how standards are set.

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 2 – Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum?	
<p>Yes.</p> <p>It would be useful to include in 3.2 that QW should have regard to the views of the learners who take the qualifications that QW accredits.</p>	
<p>If not, how do you think the Bill should be amended to take account of this?</p>	
<p>Add another item to the list in 3(2) to indicate that QW in ‘ensuring that qualifications, and the Welsh qualification system, are effective for meeting the reasonable needs of learners in Wales’ 3 (1) (a), should have regard to the views of learners about their requirements.</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>	X
<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?	
<p>The sections of the Bill as drafted appear appropriate.</p>	

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

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

<i>1 - This is a key, urgent problem.</i>	
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<i>2 - This is a problem that needs to be addressed.</i>	
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<i>3 - This is a minor problem</i>	
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<i>4 - Not a problem.</i>	
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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?

We agree that the Welsh Government has identified the main limitations of the current arrangement, due to complexity and conflicting priorities, as well as limiting the capacity to address Wales-only issues, particularly in not providing the freedom to promote approaches to national strategies that are particularly tailored to the Welsh context.

We agree that the principal aims and eight matters for regard when exercising the body's functions will address these limitations. Working with key stakeholders – as referenced in Part 2 section 3 (2) (h) will be a key part of the development of the Qualifications Wales body.

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

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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>Setting priority qualifications seems appropriate so that there are not too many qualifications or duplication or qualifications of low value to the learner and labour market. Determining priority qualifications could better meet labour market needs. We agree with the rationale for restricted priority qualifications.</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>	
<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>The commissioning process would be particularly useful for Welsh-medium qualifications.</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.

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?

Not applicable to Estyn.

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

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

The capacity to maintain business continuity while setting up a new organisation depends on the availability of resources, the right staffing profile and continuous professional development, all of which are key to successful transition.

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

By monitoring and mitigating risks, as the project board have been doing.

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 9 – Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?

No comment.

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.

No comment.

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.

No comment.

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

No