

**National Assembly for Wales**  
**Children, Young People and Education Committee**  
**QW 09**  
**Qualifications Wales Bill**  
**Evidence from : Care Council for Wales**

**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, please see our answers to questions below.

If you believe there is a need for the Bill, what are the main issues that need to 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 2** – Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum?

The Care Council for Wales (Care Council) is pleased to provide

evidence to the committee on this important aspect of the implementation of the Review of Qualifications for 14–19 year olds in Wales. The establishment of a strong, single organisation, dedicated to ensuring the effectiveness of qualifications and the qualification system is vital to delivering the vision contained within the review and a significant contribution to the economic development of Wales. It is the belief of the Care Council that this is especially important when dealing with the development and regulation of qualifications within devolved areas of activity like social care, early years and child care, our particular areas of interest. With an increasingly divergent policy context and expectations across the UK, the need to develop and provide robust and cultural-specific qualifications in Wales becomes ever more crucial to the delivery of higher quality and more relevant social services to the people and children of Wales, which are fully devolved areas. The Care Council supports the view that the Bill does convert the principles from the pre-legislative review into its text although we offer a few comments on the emphasis or priority given to some aspects.

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)

*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 3** – Are the sections of the Bill as drafted appropriate to bring about the purposes described above?

**3. The Principles of the Bill:**

The Care Council supports the general principles of the Bill and believe on balance that it reflects the recommendations contained

within the Review of Qualifications for 14–19 Year Olds in Wales and the needs of learners and employers in the social care and childcare sectors in Wales.

### **3 (a) Value and Relevance**

The first principle of the Bill; to ensure that qualifications and the qualifications system in Wales meets the needs of Welsh learners and therefore provides them with ‘value’ is important. This is clearly stated within Part 2 Section 3 (1) of the Bill.

### **3 (b) Public Confidence in qualifications Part 2 Section 3 (2) of the Bill.**

The Care Council believes that the importance of ensuring public confidence in qualifications in Wales is vital, and it appears that this principle is intended to cover the ‘relevance to employers’ aspect within the Review of Qualifications for 14–19 year olds in Wales. Qualifications and the outcome of those qualifications must meet the needs of employers and the Care Council are glad this has been retained in the primary legislation. There may be some question about the relative status afforded to ‘relevance’ to employers which is a small part of the public confidence clause of the Bill against the ‘value’ to learners which has a separate clause. Employers, workers and individuals who use services are ultimately the people who must determine the relevance of the content and outcomes of qualifications reflect current practice and expectations. Only this can really determine what will meet reasonable learners’ needs. The other aspects contained within the ‘public confidence’ clause are however important and also receive our support.

### **3(c) Welsh Language Provision**

The availability of services through the medium of Welsh is crucial to improving the quality of social services and early years and child care services in Wales and the Care Council have been working with the Welsh Government for some time in the development and delivery of *Mwy na Geriau* (More than Just Words) a strategy to support the use of the Welsh language in health and social services. An important foundation for the delivery of this strategy is ensuring that the workforce have access to education and qualifications through the

medium of Welsh to encourage and support people to use Welsh at work. The current educational situation sadly means it is challenging for many awarding organisations in our sector to promote and deliver learning and assessments in Welsh. Figures from the Welsh Government's Lifelong Learning Wales Record in 2012–13 (last available figures) show that of 25,915 learning activities in our sector during this period, only 195 were delivered in Welsh and 985 bilingually. The Care Council do not believe this reflects the language profile of the learners and is evidence that the Welsh Language Educational Strategy has not yet delivered equality of access to Welsh-medium educational activities in our sector, and certainly not beyond the school setting. Greater concentration and delivery through the medium of Welsh may be easier to achieve with the powers contained within the Qualifications Wales Bill, but would be further enhanced by additional powers to restrict delivery to awarding organisations who can and do invest in Welsh medium provision across the educational experience.

### **3 (d) Regulatory Functions.**

The regulatory organisation in England (Ofqual) has recently indicated through several consultations an intention to significantly reduce regulatory functions and activities. An example is the Removal of Approval of Qualifications and the Removal of Regulations for the Qualifications and Credit Framework. The Care Council has made vigorous representations to Ofqual that this will further weaken external scrutiny for vocationally-related qualifications that offer public assurance and confidence in the workforce in our sector. This is contrary to the needs of our sector in Wales which needs to ensure robust assessments and high quality external scrutiny. The Care Council believes that the intentions to secure these objectives are contained within the Review of Qualifications for 14–19 year olds in Wales and it is heartening to see this intention within the Bill. However the Care Council would welcome any opportunity to move from an intention to a power to make this happen or a duty to ensure it does. It is not clear to the Care Council that this will be forthcoming under Part 3 or Part 4 of the Bill.

**3 (e)** If the main regulatory functions are to be the **General Conditions** of Recognition indicated under part 3 of the Bill we would ask Government to consider carefully (through regulation or guidance) the details contained within this document. The current documents are rather too generic. Recent research undertaken by the Care Council with learners, learning providers and employers indicates that holding awarding organisations to account for issues is difficult. The research indicated that stakeholders wanted more specific requirements, such as the National Vocational Qualifications Code of Practice, to hold awarding organisations to account. This would assist in making awarding organisation accountable for issues such as the minimum time taken to complete qualifications; the experience of assessors; the use of expert witness testimony.

The Care Council will shortly publish a Best Practice Guide for Learning and Assessment in the Social Care, Early Years and Childcare Sector in Wales, based on a detailed consultation with the sector evidence. This document is intended to provide some of that detail and encourage a greater consistency of higher quality outcomes for learner and individual who use services. The Care Council would welcome any support from Qualifications Wales to include more detail into their actionable regulatory documents to help drive the quality of the delivery of vocational qualifications up in Wales.

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

Please see 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.*

*3 - This is a minor problem*

*4 - Not a problem.*

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?

**4. Value for Money: Reduce the number of qualifications seeking public funding in Wales.**

The Care Council supports unequivocally the intention to reduce the numbers of qualifications seeking public funding in Wales. The current system of approval and regulation, with qualifications being submitted for approval to Ofqual and then transferred to Wales for consideration, brings a plethora of inappropriate qualifications to Wales. Many are often highly Anglo-centric or inappropriate for the care sector in Wales. Such qualifications frequently come from awarding organisations that have no infra-structure or history in Wales, and many such bodies have no real intention to deliver in Wales. Such qualifications come for consideration either by mistake (that is, they were never really intending to deliver in Wales) or opportunistically in an attempt to establish a new market in Wales.

The system recently adopted by the Department for Education and Skills to enable Sector Skills Councils, including the Care Council, to approve qualifications for public funding prevents many of these qualifications from being included in the Database of Approved Qualifications in Wales. However it takes a great deal of time for Care Council staff and our Qualifications and Standards Sub Committee to deal with these qualifications. The current system means that there are a huge range of bodies currently offering the same qualifications to our sector in Wales. Their infra-structure and support systems, their scrutiny and standards all vary significantly. While some people might argue the value of the market economy, it does make it more complicated and difficult to deal with issues of quality assurance and consistency. Greater powers for Qualifications Wales to limit or restrict those who can deliver qualifications would be welcomed by the care sector.

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

Please see 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.*

*3 - This is a minor problem*

*4 - Not a problem.*

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

**Powers to prioritise qualifications and to thereby focus regulatory activity where it is most needed.**  
**The Care Council would strongly support the prioritisation of qualifications offered for public funding and the approach already in place with the Department for Education and Skills enabling some organisations such as Sector Skills Council to set expectations or principles for qualifications in their sector and to offer advice and recommendations for public funding support. However it is disappointing that the Bill has not gone further to offer powers to designate a single provider or preferred provider option that would ensure greater consistency in outcomes for learners in Wales. Since 2011, the Care Council has undertaken research<sup>1</sup> and focus groups with learning providers, employers and learners. This evidence strongly suggests that the number of awarding organisations operating and the reduction in regulation resulting from the move from National Vocational Qualifications to the Qualifications Credit Framework has reduced the reliability and quality of learning and assessment in our sector. The Care Council works with sister organisations across the UK and from**

<sup>1</sup> ‘Employers Experience of Learning Provision, Care Council for Wales, 2013 (unpublished)



that experience, we believe that the system in Scotland, with one primary awarding organisation, offers higher quality and more stable results.

In recent research<sup>2</sup> and consultations undertaken by the Care Council in respect of the quality of learning and assessment in our sector, many learning providers indicated that the range of awarding organisations offered allowed some less scrupulous learning providers or employers to change awarding organisations to find a cheaper product (not the best quality) or to reduce scrutiny. The Care Council are working with the Welsh Government to professionalise the workforce to deliver the policy objectives in *Sustainable Social Services for Wales: A Framework for Action* and the practice required within the *Social Services and Well Being (Wales) Act 2014*. Part of the Care Council's work is to lead an improvement in, and greater regulation of learning and assessment for social care workers. We welcome the opportunity that this Bill may provide in supporting the Care Council to achieve those objectives. There will be further work to do when the Regulation and Inspection of Social Care Bill is published and the role of the National Institute for Social Care in regulation of social care training is specified.

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

Please see 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.*

3 - *This is a minor problem*

4 - *Not a problem.*

X

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<sup>2</sup> Ibid.

**Question 6** – What are your views on the commissioning type process Qualifications Wales would undertake under the Bill, in respect of restricted priority qualifications?

**Strategic Development of Qualification for Wales and ensuring parity of esteem across the UK and Europe**

The Care Council wholeheartedly supports the inclusion of the capacity for Qualifications Wales to drive forward the strategic development of qualifications that meet the needs of learners and public confidence in Welsh qualifications. It is important to accept the potential risk and complications in retaining parity of esteem for those qualifications nationally and internationally. The Care Council has faced this issue since Jan 2011, when a number of awarding organisations, in partnership with the Care Council, developed Wales (and Northern Ireland) specific qualifications breaking away from UK national qualifications. The Wales (and Northern Ireland) qualifications do meet the specific needs for learning in our sector in Wales. This reflects the reality of devolution with divergence in policy frameworks. In our sector, awarding organisations have historically worked collaboratively to develop qualifications. However the changes proposed in England to the regulatory arrangement for the Qualifications and Credit Framework will make this less likely in the future. Therefore the capacity for Qualifications Wales to encourage or require awarding organisations, or indeed for themselves to develop qualifications that are valuable and relevant in Wales, while also acceptable and valued nationally and internationally is essential.

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

Please see 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

<i>3 - This is a minor problem</i>	
<i>4 - Not a problem.</i>	
<b>Question 7 – How will the Bill change what organisations do currently and what impact will such changes have, if any?</b>	
We do not have any additional comments in relation to this question.	
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>	
<b>Question 8 – What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?</b>	
We do not have any additional comments in relation to this question.	
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 9** – Do you have any views on the way in which the Bill falls within the legislative competence of the National Assembly for Wales?

We do not have a particular view on this question.

**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.

We do not have a particular view on this question.

**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.

We do not have a particular view on this question

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