

National Assembly for Wales

Children, Young People and Education Committee

QW 10

Qualifications Wales Bill

Evidence from : The Council for Awards in Care, Health and Education (CACHE)

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?

As an Awarding Organisation specialising in the Care sectors, CACHE is well-placed to answer some but not all of the consultation questions.

We do not agree with the need for a Bill as we have significant concerns about the likely impact on learners. We also note that Ofqual, Sector Skills Councils and the Care Quality Commission already carry out some of the required functions in our view effectively, and there are many uncertainties for our own business. We therefore do not agree with the need for this Bill.

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

n/a

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 2 – Do you think the Bill, as drafted, delivers the stated objectives as set out in the Explanatory Memorandum?	
n/a	
If not, how do you think the Bill should be amended to take account of this?	
n/a	
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?	
n/a	
If not, what changes do you believe need to be made to the Bill?	
n/a	

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?	
n/a	
If you believe there are problems in this area, how do you think they could be resolved?	
n/a	
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’?	
We note that section 13 (5) in the Bill says ‘Qualifications Wales must publish a determination under this section’ and await further detail with interest. In the Care, Health and Education sectors, our areas of expertise, priority qualifications should include those that are a licence to practise, enable progression to university and some at	

Levels 1 and 2 that enable entry into employment.

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

n/a

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

Generally, we would expect any commissioning processes to be clear and fair.

At this stage and subject to key details (such as length of tender), CACHE would be interested in engaging in any commissioning process, for our particular areas of expertise in Wales:

- Childcare
- Playwork
- Supporting Teaching and Learning in Schools.

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

n/a

How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	yes
<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>The proposed changes will have a significant impact upon our organisation. For example, we anticipate:</p> <ul style="list-style-type: none"> – new qualifications developments for Wales and for the need for transferability across borders; – increased administrative burdens including use of a new Regulatory IT System in addition to existing Ofqual version, and; – we are a specialist and expert organisation working in a rapidly changing environment with consequential operational investment demands. The current Welsh market is small when considering the sustainability of such unique qualifications. 	
If you believe there are problems in this area, how do you think they could be resolved?	
<p>CACHE could offer expert qualifications design consultancy in relevant subject areas.</p> <p>CACHE could offer qualifications content, support materials, quality assurance and assessments in Wales providing the tender period was sympathetic to us sustaining our not-for-profit business. A five-year contract period would be a more viable timespan than, say, three-years.</p> <p>We warmly welcome continued discussions with policy-makers in Wales to understand precise needs and put forward further solutions.</p>	

How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	Yes
<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 8 – What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?	
<p>Qualifications Wales would require learners to take different qualifications in Wales to those taken and recognised in England. Non-transferability of qualifications across the Border is already a major issue for learners (on both sides of the Border); the proposed changes have the potential to increase this issue.</p>	
If you believe there are problems in this area, how do you think they could be resolved?	
<p>We would like to discuss this with policy makers since the resolution depends so much on precise identification of the ‘problem’. One example of many possible efficient solutions is for CACHE to develop and offer enhanced qualifications that are wholly rigorous, relevant and appropriate for sectors and learners in Wales but with core units already developed and used in England and internationally, thus allowing transferability across nations.</p>	
How significant is this issue? (Please select one option)	
<i>1 - This is a key, urgent problem.</i>	Yes
<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?

n/a

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.

n/a

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.

n/a

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

We are keen to keep in touch with policy developments and to support policy implementation processes where we can. To reiterate, as a not-for-profit organisation with a remit to improve the quality of qualifications and standards in Care, Health and Education, we are willing and able to share considerable expertise in this field.