

# **Lifting the Accreditation Requirement**

## Consultation



July 2014

Ofqual/14/5486

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## **1. Purpose of the consultation**

- 1.1 Qualifications are not an end in themselves. They exist to promote and support education, with the best qualifications able to inspire teaching and learning alike. Qualifications should be worthwhile to study and stakeholders should be able to trust them to deliver the scope of learning and level of assessment as intended.
- 1.2 We are developing the way we regulate to make sure that qualifications are the best they can be. We plan to remove the regulatory requirements that sometimes get in the way of designing and delivering good qualifications and impose new requirements on awarding organisations and provide more guidance to ensure that each of their qualifications is valid.
- 1.3 As a first step, we propose to remove the requirement for most qualifications to be submitted to us for accreditation, but still require GCSEs, AS and A levels to be accredited. This consultation is about this first step.
- 1.4 We consulted publically in 2012 on a proposal to reduce our reliance on accreditation and to use accreditation for certain descriptions of qualifications only. Those proposals are superseded by the current proposals which do not depend on making any other significant changes, for example to recognition, and can be implemented simply. In summary, we are proposing:
  - to remove the general accreditation requirement currently in place; and
  - to re-impose an accreditation requirement for GCSEs, AS and A level qualifications.
- 1.5 We also make clear our intention to impose specific accreditation requirements on individual awarding organisations in certain circumstances and set out how we will implement the regulatory changes we propose.
- 1.6 These proposals are about qualifications regulated by Ofqual. Welsh Government has separate requirements for qualifications in Wales and CCEA has separate requirements for general qualifications in Northern Ireland.

### **How to respond**

The closing date for responses to the consultation is 6th August 2014.

Please respond to this consultation in one of three ways:

- Complete the online response form at <http://comment.ofqual.gov.uk/lifting-the-accreditation-requirement> .
- Email your response to consultations@ofqual.gov.uk – please include the consultation title in the subject line of the email.
- Post your response to Accreditation Consultation, Ofqual, Spring Place, Coventry Business Park, Herald Avenue, Coventry, CV5 6UB.

## **Evaluating the responses**

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will, therefore, only consider your response if you complete the information page.

We will publish the evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

## **2. Background**

- 2.1 We are developing our regulatory approach, so as to remove regulatory requirements that sometimes get in the way of good qualifications, and imposing new requirements on awarding organisations to ensure that each of their qualifications is valid. We intend to develop our audit and inspection of awarding organisations. Rather than primarily concentrating our review at the beginning of the life cycle of qualifications, as we do now, we will increasingly scrutinise the development, delivery and award of qualifications over the life of each qualification.
- 2.2 The Apprenticeships, Skills, Children and Learning Act (2009) enables us to set an accreditation requirement for specific qualifications or descriptions of qualifications. When an accreditation requirement is in place the relevant qualification must be accredited by us before it can be awarded.

- 2.3 Currently, there is an accreditation requirement for every regulated qualification. This requirement was imposed by a statutory instrument in 2010.<sup>1</sup> An accreditation process is valuable for GCSEs, AS and A levels. This is because several exam boards are seeking to design and develop comparable qualifications. These are based on the detailed and clearly defined Qualification and Subject Level Conditions that have been put in place for these qualifications (previously called Qualification and Subject Criteria). We use these Conditions during the accreditation process to make a decision about whether the qualifications have been designed to the right standard to ensure a fair outcome for students in these national examinations.
- 2.4 We require all awarding organisations to be accountable for the quality of their qualifications at all stages throughout the life cycle of the qualification and to offer only those qualifications which they are confident are valid. Accreditation is a check of a qualification at a single point in time prior to its use and we believe that for most qualifications there are better ways of regulating awarding organisations during the design, development and delivery process to ensure valid qualifications.

### **3. Revised accreditation requirements**

- 3.1 During 2014 we want to stop routinely accrediting qualifications other than GCSEs,<sup>2</sup> AS and A levels. For these qualifications we have identified particular risks that we think are best mitigated by the development of Qualification and Subject Level Conditions and accrediting these qualifications.
- 3.2 Additionally, we have the power to impose an accreditation requirement on an individual awarding organisation for some or all of the qualifications offered by that awarding organisation. We have previously set out in our Taking Regulatory Action policy<sup>3</sup> the circumstances in which we might use this power (including as a sanction, perhaps alongside other regulatory action, or because the awarding organisation is new to the market, or a particular sector of the market). We will always provide the opportunity for an awarding organisation to make representations to us before we impose an accreditation requirement.

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<sup>1</sup> The Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 3 and Transitional and Transitory Provisions) and (Commencement No. 2 (Amendment)) Order 2010.

<sup>2</sup> When we refer to “GCSEs” in this consultation we mean both GCSE (graded A\* to G) and GCSE (graded 9 to 1) unless we say otherwise.

<sup>3</sup> [www.ofqual.gov.uk/documents/taking-regulatory-action](http://www.ofqual.gov.uk/documents/taking-regulatory-action)

3.3 To implement these changes we propose to:

- remove the general accreditation requirement for regulated qualifications; and
- in parallel, re-impose an accreditation requirement for GCSE, AS and A level qualifications. We will continue to apply the accreditation criterion<sup>4</sup> which we put in place in June 2014 for the accreditation of GCSEs, AS and A levels.

3.4 We also intend to impose accreditation requirements on some specific awarding organisations' qualifications in parallel with lifting the general accreditation requirement. We will do this where we have concerns about the ability of the awarding organisation to develop, deliver and award valid and reliable qualifications or where the awarding organisation has been newly recognised or has recently expanded the scope of its recognition. We will use the processes set out in section 3 of our Taking Regulatory Action policy when we make these decisions. We will be writing to some awarding organisations on an individual basis in connection with this over the period of this consultation.

3.5 Where an accreditation requirement applies, we must also set out the criteria we will use to decide whether or not to accredit a qualification – the accreditation criteria. We recently published a revised accreditation criterion for GCSE, AS and A level qualifications and as we lift the general accreditation requirement we also want to remove any remaining accreditation criteria and replace them with the same accreditation criterion as for GCSE, AS and A level qualifications, so that the same accreditation criterion will apply to all other qualifications if they become subject to an accreditation requirement.

3.6 Where an accreditation requirement applies, we therefore propose to consider each proposed new qualification against the following accreditation criterion:

An awarding organisation must demonstrate to Ofqual's satisfaction that it is capable of complying, on an on-going basis, with all of the General Conditions of Recognition that apply in respect of the qualification<sup>5</sup> for which it is seeking accreditation, including all relevant Qualification Level Conditions and Subject Level Conditions.

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<sup>4</sup> [www.ofqual.gov.uk/documents/gcse-9-1-accreditation-criterion](http://www.ofqual.gov.uk/documents/gcse-9-1-accreditation-criterion) and here [www.ofqual.gov.uk/documents/gcse-a-to-g-accreditation-criterion](http://www.ofqual.gov.uk/documents/gcse-a-to-g-accreditation-criterion).

<sup>5</sup> In order to be able to demonstrate compliance with the General Conditions of Recognition, an awarding organisation must (under General Conditions B7.1 and D5.1) also be able to demonstrate compliance with relevant requirements contained in our List of Additional Regulatory Documents, available at: [www.ofqual.gov.uk/documents/list-of-additional-regulatory-documents](http://www.ofqual.gov.uk/documents/list-of-additional-regulatory-documents).

- 3.7 This will allow us to decide whether we should accredit a new qualification on the basis of whether the awarding organisation is capable of designing, delivering and awarding a good quality qualification on an on-going basis.

## 4. Qualifications appearing on the Register of Regulated Qualifications

- 4.1 We consulted in February 2012 on the introduction of a new General Condition of Recognition to confirm that all regulated qualifications must appear on the Register of Regulated Qualifications. We consulted as follows:

85. We propose to introduce a new condition to make it clear that an awarding organisation is responsible for making sure that every regulated qualification that it offers is included on the Register, even if it is not subject to an accreditation requirement. This will allow us to meet our legal duty to publish a register that lists all regulated qualifications and will be particularly relevant once the current blanket accreditation requirement is lifted. We therefore propose to introduce the following condition:

### Condition E6<sup>6</sup>

E6.1 An awarding organisation must not make available a qualification unless it has first submitted that qualification to the Register.

E6.2 An awarding organisation must ensure that its submission of a qualification to the Register:

(a) is in a form that may be published by Ofqual and revised from time to time

(b) includes the number of hours of guided learning that the awarding organisation has assigned to the qualification [*we anticipate that this aspect will change after we consult on guided learning hours*]

(c) contains only accurate information

(d) contains all information about the qualification that is requested on the form.

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<sup>6</sup> Condition J1.2(i) of the General Conditions of Recognition provides that all references to a qualification in the Conditions are to a regulated qualification.

4.2 We now propose introducing this Condition.

## **5. Impact analyses**

### **Equality**

5.1 We have not identified any potential negative impact on Users of qualifications who share any of the protected characteristics<sup>7</sup> that might arise from our proposal to remove the general accreditation requirement, to impose an accreditation requirement in respect of GCSE, AS and A level qualifications and to add to the General Conditions of Recognition.

### **Regulatory**

5.2 Our proposals reflect the obligations currently imposed on awarding organisations by the Conditions to ensure that qualifications are at all times fit for purpose and compliant with applicable regulatory rules. The proposals would reduce significantly the number of qualifications which most awarding organisations will submit for accreditation. It follows that these proposals represent a reduction in the regulatory burden on awarding organisations.

5.3 The administrative process for submitting qualifications to the Register will not change significantly as a result of these proposals and will not be more burdensome for awarding organisations. We are working with Welsh Government and CCEA to manage the practical impact of our proposals on the Regulatory IT System (RITS).

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<sup>7</sup> Including those defined in the Equality Act 2010 and in Section 75 of the Northern Ireland Act 1998, namely: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex and sexual orientation and additionally in Northern Ireland political opinion and caring for dependents.

## Responding to the consultation

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity. We will therefore only consider your response if you complete the following information section.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

### About you\*

#### Your details:

Name:	Charlie Stripp
Position:	Chief Executive
Name of organisation or group (if applicable):	Mathematics in Education and Industry
Address:	Monckton House, Epsom Centre, White Horse Business Park, Trowbridge, Wiltshire BA14 0XG
Email:	charlie.stripp@mei.org.uk
Telephone number:	07771864507

**Would you like us to treat your response as confidential?\* If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.**

Yes       No

**Are the views you express on this consultation an official response from the organisation you represent or your personal views?\***

Personal views

Official response from an organisation/group (please complete the type of responding organisation tick list)

**If you ticked “Personal views”, which of the following are you?**

Student

Parent/carer

Teacher (but not responding on behalf of a school or college)

Other (including general public) (please state capacity) \_\_\_\_\_

**If you ticked “Official response from an organisation/group”, please respond accordingly:**

**Type of responding organisation\***

Awarding organisation

Local authority

School/college (please complete the next question)

Academy chain

Private training provider

University or other higher education institution

Employer

Other representative group/interest group

Other representative group/interest group (please skip to type of representative group/interest group)

**School/college type**

Comprehensive/non-selective academy

State selective/selective academy

Independent

Special school

Further education college

- Sixth form college
- None of the above (please state what) \_\_\_\_\_

**Type of representative group/interest group**

- Group of awarding organisations
- Union
- Employer/business representative group
- Subject association/learned society
- Equality organisation/group
- School/college or teacher representative group
- None of the above (please specify)

MEI is a charity and a membership organisation. It is an independent curriculum development body for mathematics. It is a major provider of mathematics teaching and learning resources, and of mathematics CPD for secondary school and post-16 mathematics teachers.

MEI developed and manages the DfE-funded Further Mathematics Support Programme.

**Nation\***

- England
- Wales
- Scotland
- Northern Ireland
- Other EU country (please state which) \_\_\_\_\_
- Non-EU country (please state which) \_\_\_\_\_

**How did you find out about this consultation?**

- Our newsletter or another of our communications
- Via internet search

From our website

From another organisation (please state below)

Other (please state) \_\_\_\_\_

**May we contact you for more information?**

Yes

No

\*Denotes mandatory fields

## Questions

### Question 1:

Ofqual should remove the requirement that every regulated qualification must be accredited by Ofqual before it can be awarded.

What is your view of this statement?

- |                   |                                     |
|-------------------|-------------------------------------|
| Strongly agree    | <input type="checkbox"/>            |
| Agree             | <input type="checkbox"/>            |
| Disagree          | <input checked="" type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/>            |
| No opinion        | <input type="checkbox"/>            |

This may be appropriate in time, but we think not yet. It would be sensible to wait for two things.

- After the current round of accreditation of GCSEs and A levels, Ofqual will form a view as to how successful exam boards were in producing qualifications which did not need further adjustments. If it turns out that several specifications are not accredited first time (and these are specifications into which exam boards have put considerable resource), then it may be unwise to lift the general requirement.
- The intention, expressed in para 2.1, to 'increasingly scrutinise the development, delivery and award of qualifications over the life of each qualification' is very welcome. We would welcome publication, and consultation, on what this might mean before being confident that initial accreditation is no longer necessary. We feel that the historical lack of monitoring of qualifications (including by predecessors of Ofqual) has been detrimental to the fitness for purpose of some current qualifications in mathematics.

In addition, we would be grateful for clarification on another issue. There are some matters on which it is wise to have an independent judgement. For example, exam boards quote the number of guided learning hours for a qualification; this is often a matter of judgement. Suppose that, for a qualification which was not required to be accredited, someone wished to challenge the exam board's claim for the number of guided learning hours. What would be the procedure for doing this, and how would judgement be reached? We believe it would be better to have this sort of issue checked as part of a behind-the-scenes initial accreditation process, rather than publically once the qualification is running.

**Question 2:**

Ofqual should impose an accreditation requirement for GCSE, AS and A level qualifications.

What is your view of this statement?

- |                   |                                     |
|-------------------|-------------------------------------|
| Strongly agree    | <input checked="" type="checkbox"/> |
| Agree             | <input type="checkbox"/>            |
| Disagree          | <input type="checkbox"/>            |
| Strongly disagree | <input type="checkbox"/>            |
| No opinion        | <input type="checkbox"/>            |

Do you have any comments or suggestions about this proposal?

This should certainly happen if the general accreditation requirement is lifted.

**Question 3:**

Should Ofqual impose an accreditation requirement for any other qualification or description of qualifications? If so, which qualification(s) and why?

There should be an initial accreditation requirement for any qualification which exam boards put forward for consideration as Core Maths. There are currently no subject criteria for Core Maths, but there are some common requirements for what might turn out to be a diverse set of qualifications. The market for these qualifications is large, and they may well attract UCAS points and be important for students' futures. We note that 2.3 (above) says "An accreditation process is valuable for GCSEs, AS and A levels. This is because several exam boards are seeking to design and develop comparable qualifications." This argument also applies to Core Maths qualifications.

Imagine the scenario hinted at in the response to question 2, where exam board A wished to protest that exam board B's Core Maths qualification is too 'easy' – board B claim it is 180 guided learning hours but it is in fact (claim board A) only 120 glh.

Much better that Ofqual has checked this in an initial accreditation process rather than this unfortunate situation arise.

There is currently a range of level 3 certificates and FSMQs in mathematics, but there is often a difficulty in deciding whether a qualification is level 3 or not. Ofqual is the guardian of such decisions, and their judgment on the matter at initial accreditation would appear to be important.

Perhaps a more general rule may be sensible that any qualification hoping to attract UCAS points, or any qualification which counts towards a performance table, should be accredited.

## Proposed regulatory framework to support our approach

### Question 4:

Condition E6 (as quoted below) is appropriate to confirm our requirement that all regulated qualifications must appear on the Register of Regulated Qualifications.

#### Condition E6<sup>8</sup>

E6.1 An awarding organisation must not make available a qualification unless it has first submitted that qualification to the Register.

E6.2 An awarding organisation must ensure that its submission of a qualification to the Register:

- (a) is in a form that may be published by Ofqual and revised from time to time
- (b) includes the number of hours of guided learning that the awarding organisation has assigned to the qualification [*we anticipate that this aspect will change after we consult on guided learning hours*]
- (c) contains only accurate information
- (d) contains all information about the qualification that is requested on the form.

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<sup>8</sup> Condition J1.2(i) of the General Conditions of Recognition provides that all references to a qualification in the Conditions are to a regulated qualification.

What is your view of this statement?

- |                   |       |
|-------------------|-------|
| Strongly agree    | ( )   |
| Agree             | ( ✓ ) |
| Disagree          | ( )   |
| Strongly disagree | ( )   |
| No opinion        | ( )   |

Do you have any comments or suggestions about our proposed Condition E6?

Agree, but see our comments above that some matters (such as guided learning hours and the 'Level 3ness' of a qualification) are judgements rather than factual.

**Question 5:**

We provide statutory Guidance for a number of Conditions which sets out examples of compliance with specific Conditions. Awarding organisations are required to have due regard to this statutory Guidance.

Would you welcome statutory Guidance from Ofqual about Condition E6?

- |     |     |
|-----|-----|
| Yes | ( ) |
| No  | ( ) |

If yes, on what aspects?

No opinion

**Question 6:**

The draft accreditation criterion (quoted below) is appropriate to allow us to decide, where an accreditation requirement applies, whether we should accredit a new qualification:

An awarding organisation must demonstrate to Ofqual's satisfaction that it is capable of complying, on an on-going basis, with all of the General Conditions of Recognition that apply in respect of the qualification for which it is seeking accreditation, including all relevant Qualification Level Conditions and Subject Level Conditions.

What is your view of this statement?

- |                |     |
|----------------|-----|
| Strongly agree | ( ) |
| Agree          | ( ) |

Disagree ( )  
Strongly disagree ( )  
No opinion (✓)

Do you have any comments or suggestions about our proposed Accreditation Criterion?

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**Question 7:**

Are there any specific positive or negative impacts on people who share particular protected characteristics<sup>9</sup> that we should consider in relation to these proposals?

Yes ( )  
No ( )

If yes, what are they and how could any negative impacts be avoided or reduced?

No opinion

**Question 8:**

Are there any positive or negative regulatory impacts we should consider in relation to these proposals?

Yes ( )  
No ( )

If yes, what are they and how could any negative impacts be avoided, reduced or managed?

No opinion

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<sup>9</sup> Including those defined in the Equality Act 2010 and in Section 75 of the Northern Ireland Act 1998, namely: age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex and sexual orientation and additionally in Northern Ireland political opinion and caring for dependents.

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