

The Regulatory Arrangements for the Qualifications and Credit Framework

A draft response from NIACE

The qualifications regulators for England, Wales and Northern Ireland released a consultation document on November 29th 2007 on the Regulatory Arrangements for the Qualifications and Credit Framework. This is a draft response from NIACE to this consultation – a full response will be submitted before the February 29th deadline for consultation responses. The actual response document is in an on-line format. This document reproduces that format as closely as possible.

Question 1 in the consultation response form asks for the details of the respondent. The following questions are then asked:

2. Focusing regulation within the QCF more on organisations in order to reduce the scrutiny required for individual units and qualifications is the right approach.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
x				

Please explain your answer including any reasons for disagreeing with this approach.

NIACE recognises this shift in the focus of regulation as an extremely important feature of the proposed new arrangements, and welcomes the gains to users of the QCF in this important reduction in the current bureaucracy of accreditation. We also think this shift in the focus of regulatory activity has potentially significant challenges for the competence and capacity of the regulators themselves. In theory the shift (in England) to a new regulator, and the re-location of the regulator to Coventry, provide an ideal opportunity to review and re-structure QCA and its successor bodies to meet this new approach to regulation. However, at this juncture we have not seen evidence of preparation for such a significant change in QCA itself, nor in the public expectations of government in considering the remit of a new regulator in England.

SECTION 3 – The design specifications of the QCF

3. The design specifications link effectively to the regulatory requirements for organisations and qualifications.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

Please explain your answer.

The regulatory arrangements for the QCF mark a significant move forward from the NQF regulations and have clearly been developed as a consistent whole, rather than as a piecemeal collection of existing criteria and codes of practice. The identification of new roles within the QCF (eg for unit submitting bodies) could provide an important basis for development of both an inclusive framework, and for ensuring rapid response to change in the future. Separating the responsibilities for unit and qualification development from assessment and certification makes good sense in a unit-based framework, and should provide the basis for extending unit-sharing across the QCF as it develops. It remains to be seen whether the regulatory powers set out in the proposals are sufficiently strong to uphold the interests of learners against the commercial interests of awarding bodies where conflicts arise, but the proposals certainly seem to place learners more centrally in the regulatory arrangements than those in the NQF.

4. The information required in the QCF unit format should be shared and available to all awarding organisations to award credit.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
x				

Please explain your answer.

The experience of other credit systems suggests that this is not only a desirable feature of the QCF, but an inevitable one if the framework is to deliver on its objectives. The desire of awarding bodies to own units is not only an impediment to the development of flexibility and cost-effectiveness in the operation of the QCF, it is also an increasingly forlorn objective in a digital age. Those awarding bodies that seek to defend their intellectual property rights within units are putting their energies into the wrong activity. Those that embrace the fact that these rights are digitally unprotectable, and that the information used to develop units is freely available at the touch of a button from numerous international sources, will be the bodies that prosper in the new framework. NIACE believes that the great majority of qualifications in the QCF will be built in the future from shared units, that these will be the qualifications most popular with learners and providers, and that those SSCs that insist that all units in their sector are shared will be the ones that deliver most effectively on their qualifications strategy in the years to come.

5. The regulatory requirements for qualifications outlined in Sections 1.5 meet the key objectives of simplification and rationalisation for vocational qualifications set out by the vocational qualification reform programme.

NIACE Response to QCF Regulations V0.1

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

Please explain your answer.

The proposals for regulation of qualifications are clearly much more straightforward and much less bureaucratic than those for the NQF. In particular NIACE welcomes the shift away from detailed description of assessment methods at the point of accreditation as an important move towards a much simpler system of accreditation that embodies the principle of trust between regulators and awarding bodies. It remains to be seen whether the regulators can support this shift with a more user-friendly ICT system, and whether the monitoring of awarding body quality assurance systems can be managed effectively to maintain confidence in the system in this very different approach to qualifications accreditation. We applaud the intention of the regulators in this significant change to existing arrangements.

6. A minimum of 60% of the credits required for award of a qualification must be at the level of the qualification or above.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
		x		

Please explain your answer.

Our objection to the '60%' rule is that it is an arbitrary figure, and will therefore be open to challenge and (potentially) to exception, in the future. Our preference would be for the regulatory arrangements to set a more securely defensible minimum figure of '50% plus one credit' as the minimum specified in the regulations, which makes clearly logical sense and would be resistant to challenge on this basis. In practice of course, it will be sector bodies that set the actual proportions for credit achievement for individual qualifications, and these will in many instances specify a figure well above the regulatory minimum. It will be more important for the regulators to ensure that the actual percentage of credit achievement at the level of the qualification (or above) is consistent with the rationale for a particular qualification than to defend an arbitrary figure rooted in sand.

7. The proposed ranges of credit values for Awards, Certificates and Diplomas, as outlined in paragraph 1.7.3, are appropriate

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
		x		

Please explain your answer.

NIACE supports the use of the terms Award, Certificate and Diploma to represent the relative sizes of qualifications, and is of the view that the figures in use in the QCF

tests and trials are not too distant from being useful. Our preference would be for a 'sliding scale' approach to the use of these terms across different levels of the QCF. The current range is probably appropriate at levels One and Two, while a narrower range would be better at Entry Level, and a wider range at Levels Three and Four. Perhaps a single, yet wider, range would be appropriate for Levels Five to Eight of the Framework, bringing the boundaries between Awards, Certificates and Diplomas closer to the realities of an emerging credit system in HE. We note that the new 14-19 Diplomas 'grow' in size as they go up through levels, and we think the QCF might reflect this feature of the Diplomas.

8. Awarding body names or brands should not be included in qualification titles.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

Please explain your answer.

In fact NIACE both agrees and disagrees with this statement, depending on circumstance. We see advantages to users in grouping qualifications with the same title under a single heading (providing these qualifications are based on the same rules of combination) and of course there are advantages for government in demonstrating progress towards rationalisation of qualifications in this approach. On the other hand, the QCF gives much more freedom to individual awarding bodies to develop different assessment approaches to qualifications based on the same rules of combination than did the NQF, and this needs to be reflected through the use of their name or brand identity. In fact, for the purposes of recording by the regulator at the point of accreditation, awarding body names should be excluded from qualification titles. After that (ie for most of the life of the qualification in most of its uses) the awarding body name *should* be seen as part of the title, as without this it would be illogical to hold individual awarding bodies accountable to the regulator for the (perhaps very) different ways in which the qualification is actually offered to learners.

9. Where an awarding body chooses to offer grades within a qualification, is there a need for a standard grading scale within the QCF?

Answer: Yes

Please explain your answer.

NIACE believes that the regulators' responsibility to establish a qualifications system that is less complex and more easily understood by users extends to the development of a standard scale for graded qualifications. We also believe that the flexibility and responsiveness of a credit-based qualifications system obviates the need for graded qualifications, and that grading systems by definition add cost and bureaucracy to the system. Nevertheless we recognise that some awarding bodies will continue to want to offer graded qualifications, and we suggest that the regulators should establish a standard grading scale, as well as requirements for the representation of all grades on this scale, and requirements of awarding bodies as to how they should arrive at these grades. In all this, the specifications of the QCF must be protected, and the operation of credit accumulation and transfer within the QCF

must not be compromised.

Qualification types require an additional set of regulatory requirements that clearly articulate the unique and common requirements or characteristics of a group of qualifications.

10. The qualifications regulators should consider establishing qualification types within the QCF?

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
			x	

Please explain your answer.

The identification of any particular type of qualification will, by definition, increase the regulatory scope of the QCF for that type, and therefore increase bureaucracy; reduce the overall flexibility of the framework by imposing additional criteria on a group of qualifications within it; compromise the functioning of a system of credit accumulation and transfer by erecting barriers within the framework between one group of qualifications and all others; and make the system less flexible and less responsive to individual needs by imposing additional regulatory requirements on some qualifications. The report from the tests and trials seemed to indicate that the QCF was developing well without recourse to qualification types, and the regulatory consultation document itself (thankfully) makes no reference to types. NIACE suggests that any consideration of the potential costs and benefits of qualification types is undertaken only after the proposed regulations are implemented and the QCF has the opportunity to test out the proposition that it can deliver most effectively on its objectives without particular qualification types.

11. The QCF should be designed on the principle that the fewer the operational rules, the easier it will be to use?

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
x				

Please explain your answer. Maximum 200 words.

It seems that such a principle underpins both the design specifications of the QCF and the proposed regulatory arrangements that support these specifications. The corollary of this approach is that the regulators must apply the operational rules consistently and with integrity in all cases. The increasingly widespread practice of suspending particular requirements of the NQF to enable additional flexibility in particular cases should not be necessary in the QCF. Indeed it should make regulation of the QCF easier and more transparent than the NQF.

12. Is qualification purpose as opposed to qualification type a useful alternative means of communicating certain shared characteristics of qualifications to users? Examples of purpose could include 'occupational competence' or 'vocational/occupational preparation'.

Answer: Yes

Please explain your answer.

'Qualification purpose' is more useful than 'qualification type' as an approach as it doesn't require any additional regulatory intervention. As such it should lie outside the remit of the regulators to apply – perhaps more usefully resting with SSCs. However the regulators should take an interest in what language is used to identify purpose. Here terms like 'occupational' or 'vocational' or 'competence' need to be used with care, and the regulators have a responsibility to ensure that any term used to describe qualification purpose is consistent with the overall objectives of the QCF and does not undermine any other terminology used by the regulators in maintaining the integrity of the Framework. NIACE suggests that the debate about 'purpose' should take place in parallel with the debate about 'type' – ie after the regulatory arrangements for the QCF are secured and have had time to be evaluated in practice.

13. If the concept of qualification purpose was introduced, it would need to be regulated in some form?

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

Please explain your answer and provide suggestion on how qualification purpose could be regulated.

See above. The regulators should approve the definition of 'qualification purpose' in each instance, and the language used to describe that purpose. But other bodies (eg sector bodies) should be responsible for determining if a particular qualification should be so described.

14. Please use this space to provide any other comments you have about the design specifications of the QCF. *Please make it clear to which of the following areas your comments relate: General; Units; Credit value; Level; Qualifications; Grading; Qualification titles; Rules of combination; Award, accumulation transfer and awarding of credits; Qualification types in the QCF.*

In general terms NIACE accepts that the design specifications of the QCF are now well understood and well established. The consultation exercise is useful in confirming the location of these design specifications within the proposed regulatory arrangements of the QCF. The focus of the regulators during the remainder of the tests and trials should now be on improving quality and building capacity in preparation for full implementation of the QCF in 2008.

SECTION 4 - Organisational requirements

14. Are the organisational requirements as a whole sufficient to provide confidence in the organisations that operate in the QCF?

Answer: Don't know

The organisational requirements as set out are a good and necessary basis for developing mutual confidence in the operation of the QCF. But by themselves they are not sufficient. They require monitoring and reporting requirements appropriate to this regulatory approach that are also consistent with the national improvement strategy, inspection arrangements and the move to self-regulation.

16. The following sections include clearly set out requirements.

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
General requirements		x			
Requirements for developing and submitting units		x			
Requirements for developing rules of combination for qualifications		x			
Requirements for awarding organisations		x			

Please explain your answer.

The distinctions between these three roles represent one of the most interesting and most innovative features of the QCF. That there should be different requirements for each of these roles, and that bodies should choose whether or not they wish to play one or two or all three roles is a logical and useful approach. It remains to be seen if additional requirements of these bodies might be set in the future, but at present the distinctions between these different roles seem clear enough.

17. It is appropriate that organisations should be recognised to carry out one or more of the functions set out in the table above as opposed to being recognised to carry out all the functions together

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

NIACE Response to QCF Regulations V0.1

Please explain your answer.

NIACE supports the principle that more bodies need to be drawn into the process of developing units and qualifications for the QCF, while recognising the continuing specialist role for bodies that assess and award within the Framework.

18. The requirements in each section cover the appropriate areas of responsibility for organisations seeking to become recognised to carry out each function.

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
General requirements		x			
Requirements for developing and submitting units		x			
Requirements for developing rules of combination for qualifications		x			
Requirements for awarding organisations		x			

Please explain your answer.

See section 16 above.

19. The requirements within the following sections are made at an appropriate level to provide confidence in the capacity of organisations to operate within the QCF.

NIACE Response to QCF Regulations V0.1

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
General requirements		x			
Requirements for developing and submitting units		x			
Requirements for developing rules of combination for qualifications		x			
Requirements for awarding organisations		x			

Please explain your answer.

Agree in each case, providing the regulators have adequate resources to monitor and report on the extent to which recognised bodies operate over time to these requirements. In the first instance NIACE believes that frequent interventions from the regulators will be necessary in order to ensure that the bodies recognised to operate in the QCF are not only meeting these requirements, but have systems in place for effective self-assessment and quality improvement of their operations over time. Although a risk-based approach to monitoring and quality assurance is appropriate, the risks to the whole system during the first phase of development of the QCF are potentially high, and therefore require close monitoring by the regulators. Again NIACE wonders if the regulators themselves have the capacity to conduct this early risk-based monitoring of recognised bodies.

20. The qualifications regulators should carry out activities designed to ensure consistency across units?

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

Please explain your answer and describe how you think the qualifications regulators should approach this.

The principle that bodies recognised to place units in the databank should be free to do so without submitting these units for 'accreditation' is an essential prerequisite for a manageable and cost-effective framework. However, there is a need to sample and report frequently on units placed in the databank during the first phase of implementation of the QCF. NIACE recommends the appointment of a 'unit databank moderator' from August 2008 for three years with a responsibility for sampling units

in the databank and reporting to the regulators on unit quality and improvement. It is also suggested that the life expectancy of units placed in the databank during the implementation of the QCF should be limited in the first instance, growing from two years to five years over a three year period – ie that units placed in the databank in August 2008 should have a two-year life, in August 2009 a three year life, etc. Of course units of good quality could be renewed at the end of these periods, but a mechanism would be established for the regulators to use evidence from the sampling process in the monitoring of bodies recognised to develop units.

SECTION 5 – Qualification requirements

21. Are the qualification requirements appropriate?

Answer: Yes

Please explain your answer.

The qualification requirements reflect the shift in the overall focus of regulation contained in the document. The requirements are entirely appropriate, when read in conjunction with the specifications of the QCF and the requirements of bodies operating within it.

SECTION 6 – Annexes

22. The following sections include clearly set out requirements.

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know
Glossary		x			
Credit certificate design		x			
Qualification certificate design		x			
Level descriptors	x				
Diversity and inclusion					x

Please explain your answer.

The level descriptors are now well established and NIACE would be concerned if any further time or resources in developing the QCF were devoted to the further refinement of these descriptors.
The glossary is clear and the terminology is consistent with the use of the terms in the text of the proposed regulations, though these may need to be added to in the

future. The proposals for credit and qualification certificates seem sensible and straightforward.

The equality and diversity requirements are not yet specific enough, and we recognise that there is further work to be done on these. The principles as set out in the document are sound, but need further elaboration in order to be useful in practice.

23. Credit certificates should be required to include the logos of the qualifications regulators.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
		x		

Please explain your answer.

NIACE is opposed to the use of the names of the qualifications regulators on credit certificates (and indeed on qualification certificates). We would prefer to see a visual identity for the QCF itself on credit certificates. Over time (and given the recent and future changes in the names of the regulators) we see the representation of added value, and the guarantee of quality and integrity to learners, being embodied in the QCF itself (and by implication by all the bodies that operate within it) rather than by the regulators alone. If we are serious about the QCF as a collective enterprise based on mutual trust and partnership, the requirement that the regulators logos should appear on certificates, rather than the identity of the QCF itself, is a retrograde step, rooted in the out-dated principles of quality assurance and regulation that are manifested in the NQF.

24. Awarding organisations should be required to issue credit certificates on request.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
x				

Please explain your answer Maximum 200 words.

The Learner Achievement Record should be the sole official repository for the recording of credit achievement in the QCF, and the primary focus of the regulators in monitoring arrangements for the award of credit. Although it is right that the regulators should specify what information should be included on an awarding body credit certificate, the awarding body itself should decide whether or not it issues such a paper-based record of credit achievement.

25. Qualifications certificates be required to include the total credit achieved.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
			x	

Please explain your answer.

As the proposed regulatory arrangements for the QCF confirm that it will be possible to achieve a qualification through a combination of credits achieved and credits exempted on the basis of equivalent achievement outside the QCF, it is therefore possible for the same qualification to be achieved through different numbers of credits by different people. It is therefore illogical, impractical and misleading to assume that the credit value of a qualification is the same as the number of credits actually achieved by a learner who is awarded the qualification. Although it would be helpful to identify the credit value of qualifications *offered* to learners, it would be extremely unhelpful to include this information on qualification certificates *awarded* to learners. Such a practice would also undermine the integrity of the LAR as the sole required repository of credit achievements recorded in the QCF. NIACE suggests this question is based on a confusion of the concepts of 'credit' and 'credit value' and that therefore the responses to it in the consultation cannot be valid.

SECTION 7 – General questions on regulations

26. To what extent do you agree or disagree that these regulations are likely to reduce the level of bureaucracy associated with qualifications regulation.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
x				

Please explain your answer.

The proposals should have a significant effect on reducing the bureaucracy of both the regulatory process itself, and the assessment burden on awarding bodies and centres.

27. Would you consider any aspects of these regulations to be barriers to the development, assessment or awarding of units and qualifications from Entry level to level 8?

Answer: Don't know

Please explain these below.

The question mistakenly assumes that units are 'awarded', whereas the proposals themselves, and the glossary, confirm that credits and qualifications are awarded. Although the regulations do not include any obvious barriers to the development of units and qualifications, or to the award of credits and qualifications, it would be judicious to keep them under review during the initial phase of implementation of the QCF to ensure that there are no unanticipated barriers present in the proposed regulations.

SECTION 8 – Implementation proposals

This section relates to the implementation proposals paper that also clarifies the scope of the suggested arrangements.

28. The overarching approach to QCF implementation outlined in this paper is appropriate

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

Please explain your answer.

Although it would be better to include in the implementation proposals a final date for submission of new qualifications to the NQF, this will probably have a marginal impact on the process of implementation of the QCF, providing the accreditation end date for all NQF qualifications is not moved forward. NIACE is surprised that the regulators are willing to countenance a lengthy period when, in theory, submissions could be made both to the NQF and to the QCF. This will inevitably entail the continuing devotion of resources to managing the process of submission to the NQF at a time when the regulators need to ensure that they have the capacity to support the implementation of a very different approach to regulation, based on a shift of employment roles from qualifications accreditation to monitoring and quality improvement. Have the regulators considered the practical implications of keeping open the NQF beyond August 2008?

29. On July 31st 2008 the qualifications regulators should stop accepting applications for awarding body recognition within the NQF from organisations seeking to offer qualifications covered by these proposals.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
x				

Please explain your answer.

For the reasons outlined above, NIACE would also like to see all submissions for accreditation in the NQF cease from this date. In practice only organisations without serious plans for development in the QCF will submit things to the NQF from August 2008. We suggest the regulators should actively discourage such submissions.

30. In view of the agreed accreditation end date for all relevant qualifications in the NQF of 31 December 2010, there is no need for the qualifications regulators to set a final date for receipt of NQF qualification submissions covered by these proposals.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
		x		

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Please explain your answer.

See above

31. There should be a streamlined QCF recognition process for NQF awarding bodies and for those organisations already recognised to submit units within tests and trials.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

Please explain your answer.

<p>This 'streamlined' process should be based on those aspects of the current statutory regulations for the NQF that are directly transferable to the QCF. There should be no automatic assumption that because an awarding body is able to operate in the NQF it can therefore meet all the regulatory requirements of the QCF. The regulators need to establish a single process of recognition for each of the three key roles outlined in the regulatory proposals, and then need to indicate to bodies already operating in the NQF, or the QCF tests and trials, in which aspects of these processes they have already demonstrated compliance and do not need therefore to produce new evidence against a particular requirement. NIACE would be concerned if 'streamlining' were interpreted in any way as 'bypassing' any element of the new regulatory requirements that is different from those in the NQF.</p>
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32. The qualifications regulators should begin to accept QCF recognition applications on a voluntary basis from May 2008.

Strongly agree	Agree	Disagree	Strongly disagree	Don't know
	x			

Please explain your answer.

<p>This assumes of course that not only are new regulations for the QCF published on May 1st, but also a process of submission for recognition, together with guidance for bodies wishing to be recognised.</p>
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SECTION 9 – Overarching questions

33. Please use this space to provide any other comments you have about the regulatory arrangements.

The one additional feature of the QCF that NIACE would like to see built in to the
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technical specifications of the Framework is a limitation on the range of permitted credit values (perhaps varied by level). At present there is no maximum credit value in the QCF, and unit developers may use any number of credits they wish to determine the credit value of a unit. This raises two problems for the QCF. The first is the possibility that the stability of credit as a currency of achievement will be undermined. So for example, what quality assurance process can possibly assure users that unit x is worth 22 credits and unit y is worth 23 credits – this is spurious accuracy and it may bring the QCF into disrepute. More importantly, it may make the transferability of credits, and therefore the flexibility of the framework, much more difficult for learners. Setting a range of permissible credit values for units (in common with all other credit systems internationally) would increase the stability of the credit as a currency of achievement, and make credit transfer more easily operable across the framework.