Response ID ANON-GJRN-KZEJ-5

Introduction

1 Welcome. What is your name?

Name:
Emma Evans

2 Would you like to provide your email address?

Email::
emma.evans@awarding.org.uk

3 Are you responding as an individual or on behalf of an organisation?

Organisation

4 What is your organisation?

Other (please specify)

Organisation:
Federation of Awarding Bodies - trade association for vocational and technical awarding organisations

5 What local authority area are you based in?

Please state :
Our members (over 115) are based across the UK

6 Would you like us to keep your responses confidential?

No

Reason for confidentiality:

Higher technical qualifications (HTQs)

7 To what extent do you agree or disagree with the proposed aims of HTQs set out below?

Agree

8 Are there any points you would like to raise regarding our proposal for Awarding Bodies to voluntarily submit qualifications for approval by the Institute against occupational standards?

If yes please provide your views:
The Federation has a number of concerns about the proposals for an approval process that will be operated by the Institute. Of primary concern is that it is not clear where the value is added by layering this process on top of Ofqual regulation. Adding another layer of bureaucracy to the system risks adding costs and additional burden for AOs, potentially hindering their ability to respond to market demand in an agile manner.

Any kite-marking process that is introduced will need to be lean, efficient, fair and transparent. AOs have experienced a number of qualification approval processes over recent years that have not achieved these ambitions. We are consequently aware of how easy it is for this type of process to delay the launch of new qualifications to market, be overly-bureaucratic and burdensome for AOs and employers, add significant costs to the qualification development/launch process and result in a lack of clarity for providers and learners about when a qualification will be available.

In the last few years the AO sector has experienced:
• The Ofqual universal accreditation process
• The Education and Skill Funding Agency business rules application process for funding
• The Department for Education performance tables approval process.

There are many lessons that the Institute should aim to learn from these processes. It should seek to borrow the best features from each of these processes but also seek to avoid repeating the same mistakes. It is worth noting that two of the three processes above have been withdrawn because they were incredibly resource intensive. The Institute will need to consider how it will resource its proposed kite-marking process before it launches this initiative and should secure funds to support the kite-marking process, not just at the outset, but into the future.

Drawing on the previous experience of the AO sector, the key points that should be considered in the development and implementation of a kite-marking process

are:

Clarity of the process
• A full explanation of the approval process should be clearly mapped out and communicated to AOs, well in advance of the intended start date. The Federation would be willing to contribute to the development of this process by arranging a focus group of AOs to comment on early drafts. This may help to ensure we learn from the best aspects of past processes and avoid repeating the same mistakes.
• The information AOs are required to provide needs to be clearly articulated in unambiguous terms. It is frustrating and resource inefficient to have to resubmit because requirements have not been clearly articulated.
• Templates should be provided, where relevant, to support applications.
• There needs to be transparency in relation to who is making the approval decisions, their credentials and how the decisions are reached. This will be even more important if any decisions are being made in relation to the assessment of qualifications as it will be vital that only those with expertise in assessment are involved in such decisions. Employers may not be well suited to making judgements about assessment, which is an expert area requiring a depth of knowledge and understanding.

Accessing the process
• Publicity of opportunities - The opportunities to submit qualifications for approval (i.e. submission windows) must be well publicised so AOs are aware of any windows of opportunity for their qualifications. Once published, dates should not be changed unless it is vital to do so and any changes must be widely communicated to AOs. The Federation can support communications in our weekly QualsMatter newsletter for AOs.
• Advance notice period - Sufficient advance notice must be provided of the opportunities to submit qualifications for kite-marking so AOs can plan accordingly, as part of their overall qualification development plan. Ideally dates for submitting qualifications should be published at least one year in advance. Short notice communication of opportunities to submit qualifications will be a barrier to AO engagement. AOs will need time to review their qualifications against the standards and the overall process needs to allow for this. Development of new qualifications will require significantly longer lead in times. Preparing kite-marking submissions will be an additional pull on existing AO resources so will need to be planned into work schedules alongside other activities.
• Frequency of opportunity- Opportunities to submit qualifications for approval should be frequent and not tied to just one or two opportunities per year. We would like to see regular opportunities throughout the year for AOs to submit qualifications for approval, or a process that is open continuously throughout the year. AOs will operate different qualification development and review cycles and a flexible approach to applications for kite-marking will be most likely to ensure all AOs have a fair chance to submit to the process.
• Reapproval requirements- Any requirement to resubmit a qualification for approval will need to be clearly stated. If an approved qualification undergoes minor changes, it should not require reapproval against the occupational standard. A clear definition of minor and major changes (which may require re-approval) will need to be provided.

Occupational Standards
• Standards development and presentation – a consistent approach should be adopted to how standards are developed, levelled and presented to make it easier for AOs to map their qualification to a range of standards.
• Articulation of the Standard – before the occupational standards are used as the basis of the kite-marking exercise it would be useful to revisit them to ensure they provide sufficient detail to support the consistent interpretation of the level and the standard of performance required. The FAB/DfE event on 30 August highlighted how challenging it can be to clearly identify what is required by some existing occupational standards.
• Communication -communication of any work that is underway to review the occupational standard will need to be effective to ensure any AOs with qualifications mapped to that standard are aware of the review, when it will be completed and any requirement to have their qualifications reapproved against the new standard. Sufficient notice of these changes will need to be given to allow AOs the time needed to make any changes to their qualifications that are required to meet the new standard.
• Version Control – version control of occupational standards will be essential to ensure AOs know which version to map their qualifications to. Version control of apprenticeship standards has not always been effective and has caused difficulties which we have made the Institute aware of on a number of occasions. If this is not clear and an AO wastes resources mapping to an old version of a standard, they will be unlikely to engage in the process again (unless the incentives are extremely strong). It is simple things like version control that cause frustration and confusion for users when they are not established correctly.
• Feedback – there should be an accessible process provided for employers and AOs to raise concerns and provide feedback on occupational standards.
• Gaps in standards – it will be important to clearly state what an AO should do if there is no occupational standard available to map their qualifications to. Presumably the qualifications cannot be kite-marked. If this is to be the case then it will be important to consider how this will be communicated to other stakeholders to ensure they understand that some qualifications are not kite-marked because they cannot be and not because they are in some way not good enough to attract the kite-mark. Otherwise there is a potential risk to how qualifications that have no route to being kite-marked are perceived in the market.

Processing applications
• The service levels for processing applications must be published and adhered to so AOs are aware of how long they need to allow for this process. Delays to this approval process should be avoided as they will impact on how quickly an AO can launch a qualification to market and will be frustrating for centres/employers who are waiting for the qualification. It will be essential for AOs to be able to accurately plan this into their overall qualifications development and launch plan.
• The remit of the group that will consider the qualifications and make approval decisions must be clearly scoped and published. It is vital to be clear about whether the approval will be based only on whether a qualification maps to the content of the occupational standard or whether there will be any consideration of aspects of the qualification such as the assessment methodology. The Federation would be concerned if non-assessment experts were in a position to comment on AO developed assessment methodology. We do not believe this aspect of the qualification should be included within the remit of the approval panel.
• The role of the approval panel and the role of Ofqual must be clearly defined to ensure there is no conflict between regulation and qualification approval. It will also be important to ensure that AOs are not required to submit information to the Institute that has already been provided to Ofqual. Where this information is required by the Institute they should obtain it from Ofqual to streamline the process for AOs.
If Ofqual has allowed a qualification into regulation then the approval panel should not be in a position to challenge any aspects of the qualification that are covered by regulation. They should only be able to comment on how well the qualification maps to the occupational standard. Otherwise, there is a risk that the approval panel may require an AO to undertake changes that conflict with regulatory requirements and/or challenge the overall validity of the qualification. We have seen such validity challenges arise in relation to the performance tables requirements.
If assessment is to be considered as part of the kite-marking process then it would be beneficial for this activity to be deferred to Ofqual. The regulator already has the assessment expertise required to undertake this activity and a well-developed understanding of validity.

The process will also need to consider the flow of information about a qualification. Our understanding is that a qualification needs to be regulated before it will be considered by the Institute for kite-marking. This will be achievable for a pre-existing qualification that has already been entered into regulation. However, an AO might decide to develop a new qualification to meet the requirements of an occupational standard. In such cases it would make sense for the qualification to be submitted for kite-marking before it is entered into regulation. This will allow an opportunity for any changes that are required to be made (this is more challenging once the qualification is already regulated). The final version can then be entered into regulation. Ofqual and the Institute should consider this type of situation and aim to provide clear guidance on how it will be accommodated within the overall kite-marking process.

Feedback
• Written feedback should be provided by the approval panel to explain the decision made and this should be provided to the AO within a published timescale. This feedback should be comprehensive enough to clearly communicate the reason for the decision and, where appropriate, what an AO would be required to do to achieve the kite-mark if it has not initially been granted. Generic statements that are cut and pasted into feedback are unlikely to provide sufficient clarity for AOs.
• Once feedback has been addressed, there should be a fast track route for any qualifications that need to be resubmitted for further consideration and approval. Resubmitted qualifications should only be reviewed against the issues raised in the original feedback and new issues should not be raised at the resubmission stage. Otherwise this can become a seemingly endless cycle.
• There should also be a route for AOs to provide feedback on the process and on the occupational standard. This will ensure AOs can provide information that can help to improve and refine the kite-marking process. Feedback on the occupational standard, from AOs, employers and other stakeholders should be welcomed to ensure it is fit for purpose. Processes for providing feedback should be communicated along with information on how the feedback will be handled.

Complaints and Appeals
• There should be a clear process available for an AO to make a complaint about the kite-marking approval process with information provided on how complaints will be handled and responded to, with associated timescales.
• There should be a clear process available for appeals of any decisions made with recourse to an independent channel for final appeal, with associated timescales. This is essential for the fairness of the process.

The more burdensome the process for kite-marking is, the stronger the incentives will need to be to drive the uptake of the kitemark.

9 What is your view on our proposal that, upon approval of a higher technical qualification, there should generally be no transfer of copyright?

Agree

What are your views about the circumstances in which it could be appropriate for the transfer of copyright to apply? :
The Federation believes it is essential that the arrangements for copyright are clearly articulated before any AO is expected to enter its qualifications into the kite-marking approval process. It is important that all parties understand any implications for copyright before an AO is required to invest in preparing its qualifications for submission to the kite-marking process.

It is also important that the arrangements for copyright are legally binding on the Institute so AOs do not face future risks of the Institute shifting it's position and making claims on copyright that were not clearly stipulated/understood at the outset. AOs should be provided with watertight assurance that their copyright would not be at greater risk in the future.

An AO will have made significant investment to develop any copyright that it owns. It should therefore be up to them to freely agree to any transfer of this or not. Where transfer is agreed, this should be accompanied by suitable financial compensation for the transfer. There is no reference to how the Institute intends to compensate an AO for loss of its copyright.

Having an in-built right to take an AOs copyright, as part of the up front approval process is not appropriate as it gives AOs no choice other than to agree to this transfer if they wish to gain approval and benefit from the related incentives. It would not therefore be a contractual term that was freely entered into and would therefore be unfair.

The discussions at the FAB/DfE event on 30 August illustrated well the complexities of this issue and the strength of AOs opinion of how vital it is that the arrangements are clearly laid out for AOs in advance of application for kite-marking. AOs can then make an informed decision on whether to submit for the kite-mark. A lack of clarity will present a significant barrier to AOs applying for the kite-mark because they may understandably not wish to risk ownership of their copyright.

It will also be important to clearly identify how far any claim on copyright will extend and whether it will include any materials or systems that support the qualification. In addition, the copyright territory will need to be clear for AOs who award their qualification in England, the other countries of the UK and international markets. Related to the territory issue there is a need to clarify if the kite-mark can be used internationally in marketing and promoting qualifications in markets outside of England.

A lack of clarity on copyright issues is highly likely to act as a major disincentive to AOs to voluntarily enter their qualifications into the kite-marking process.

Higher technical qualifications (HTQs)

10 This question is for AOs and HE providers only. How important are the following as incentives to encourage the submission of your qualifications for Institute approval? Please rank from 1 (most important) to 5 (least important).

Please select - 1 Most important:
e. other (please specify)

Please select - 2:
b. A competitive funding package

Please select - 3:

Please select - 4:
a. A clear mark of labour market relevance

Please select - 5 Least important:
c. Enhanced information, advice and guidance

Please provide any specific views on points a-e.:
The appeal of the range of incentives will vary across different AOs. For example, some AOs and their learners do not access government funding at all, so any funding incentives will not apply. For others, this will be a strong incentive. We have ranked the incentives as best we can above, but it must be recognised that these will have different levels of appeal to different AOs.

A- A clear mark of labour market relevance – mid-low. For many AOs, particularly professional bodies, their qualifications are already well embedded in a profession and already have high levels of recognition in terms of labour market relevance. The approval of the Institute may not therefore add significant value. This will depend on the sector, the qualifications and how well they are embedded into an occupational route/sector already. It will also depend on how well publicised the kitemark is and whether it gains traction amongst employers as adding any value to qualifications.

B- A competitive funding package – mid -high. Funding is an effective driver in some cases. It is important to note that not all level 4/5 qualifications currently attract funding but will have managed to develop a healthy market demand, regardless. Where funding is already in place this is likely to be a greater incentive for the AO to submit to an additional kite-marking process. The funding levels for the qualifications should be clearly communicated once they are confirmed. The link of the qualifications to the occupational standards for apprenticeships may also raise questions about whether the apprenticeship levy can be used for kite-marked qualifications in the future.

C- Enhanced support for potential students through information, advice and guidance- low. IAG is so patchy that there would need to be some persuasive exemplars of the impact of any new focus through this service. Otherwise, it is unlikely to be a key area that incentives AOs to participate in an additional process.

D- A swift and straightforward process for submission, appraisal and decision-making – this should be the goal for the process, regardless of whether it incentivises AOs to be involved or not. It is crucial that the process is swift and straightforward. This should be the baseline requirement for the process and not something that is viewed as part of an incentive package. It is highly likely that a process that does not meet these requirements will be heavily and publicly criticised and will be used only by those who feel they have no other choice (possibly because of a link to funding).

E- Other- centre/provider demand – if the kite-mark is well respected by centres/providers and they start to demand this of the qualifications they buy, this would be a powerful incentive for AOs. However, we believe to achieve this there will need to be a long-term, sustained national marketing campaign.

Higher technical qualifications (HTQs)

11 Would you support incorporating the flexibilities/requirements in the statements (listed below) in the Institute approval process.

Please select yes or no - a. Flexibility to include additional content.:
Agree

Please select yes or no - b. Broader qualifications:
Agree

Please select yes or no - c. Smaller qualifications:
Agree

Please select yes or no - d. Flexible learning:
Agree

Please select yes or no - e.(i) Other requirements: Maths:
Neither agree or disagree

Please select yes or no - e.(ii) Other requirements: English:
Neither agree or disagree

Please select yes or no - e.(iii) Other requirements: Digital skills:
Neither agree or disagree

Please select yes or no - e.(iv) Other essential transferable and employability skills:
Neither agree or disagree

Please select yes or no - e.(v) Alignment with professional body standards:
Agree

Please select yes or no - e.(vi) A period of work based learning:
Neither agree or disagree

Are there any specific points you would like to raise in relation to the above. Please state below:

The Federation would value the opportunity to explore these flexibilities in more detail with the Department as it considers them further with the Institute. We would be happy to support this through facilitating dialogue with our members.

The flexibilities outlined in the first four bullet points seem reasonable because employers demand qualifications of different shapes and sizes to meet their own specific needs. The fifth bullet point requires far more consideration in terms of what this means and whether reflecting these areas in all qualifications would be possible. AO qualification design experts will be well placed to assist in the further consideration of this point.

The other point to consider in terms of flexibilities is how to communicate what the kitemark actually signals if a range of flexibilities are to be allowed. Having a kitemark that signals a range of qualifications meet the requirements of an occupational standard is the most straightforward option. Having a kitemark that signals that some qualifications meet the requirements of an occupational standard, some meet a subset of the requirements and some meet the requirements of the standard plus some aspects of other standards is more complex and will provide a communication challenge to clearly articulate just what the kitemark means and what assurance it provides for employers and learners.

12 Are there any points you would like to raise regarding our approach to retaining existing Ofqual and OfS regulatory arrangements?

If yes, please give your points below:

The Federation welcomes the continuance of existing Ofqual regulation. We would however, like to see further consideration given to how this regulation can be utilised to achieve the Department's objectives, rather than another system be layered on top of regulation, introducing the potential for burden, delay and conflict between the two systems.

Delivery of higher technical education (HTE)

13 Are the suggested criteria (listed below) suitable markers of high-quality technical provision?

Please select:

Give reasons for why or why not:

The Federation agrees that the quality of providers is an important aspect of the overall quality of Higher Technical Education. However, we believe the impact of developing additional OfS criteria requires further consideration as it may present a barrier to some providers, particularly those who do not currently work with OfS.

14 To what extent do you agree or disagree with the principle of the OfS applying technical ongoing registration conditions that a provider would be required to meet to indicate the high quality of their HTE provision? If you disagree what could an alternative approach be?

If you disagree please give reasons:

The Federation would like to see a more detailed set of proposals on the role of the OfS and a consideration of the types of centres that may not currently work with them and how these proposals could impact on them.

Neither agree or disagree

Delivery of higher technical education (HTE)

15 To what extent do you agree or disagree that linking grant or capital funding to meeting the technical ongoing registration conditions would encourage providers to deliver high-quality provision?

Not Answered

16 How might this work to ensure provision best meets local skills needs?

Please provide comments:

Providers and their representatives will be better placed to respond to this question.

17 What specifically would additional funding support?

Please provide comments:

Providers and their representatives will be better placed to respond to this question.

18 Would additional costs be a barrier to delivering high quality HTQs, why?

Please provide comments:

Providers and their representatives will be better placed to respond to this question.

19 Which would be a greater priority for providers: capital or recurrent grant funding? Or both equally? Why?

Please provide comments:

Providers and their representatives will be better placed to respond to this question.

Delivery of higher technical education (HTE)

20 To what extent do you agree or disagree that additional non-financial support will be needed to enable providers to develop their workforce and engage fully with employers?

Not Answered

What might examples of non-financial support be?:
Providers and their representatives will be better placed to respond to this question.

21 We welcome ideas from respondents on a) how providers could best allocate their existing resources to build and support capacity and delivery of approved HTQs, b) where additional help may be needed, c) and what providers think should be prioritised in terms of any future funding allocation.

Please provide comments:
Providers and their representatives will be better placed to respond to this question.

22 To what extent do you agree or disagree that we should explore how providers that meet the ongoing registration conditions specific to Higher Technical Education could have access to a more competitive student finance package for courses leading to approved HTQs, than those who do not meet the technical conditions?

Not Answered

Why?:
Providers and their representatives will be better placed to respond to this question.

Student and employer demand

23 To what extent do you agree or disagree that there is a need and opportunity for more young people and adults (including those who need to upskill and retrain) to be undertaking HTE in the future?

Strongly agree

Please provide examples from your experience::
The Federation agrees that there is a need for more learners to have the opportunity to access HTE. Progression through these qualifications can support learners in their careers and offer them important opportunities to develop new skills and have them recognised by a regulated awarding organisation. Such opportunities impact on the skills of the learner but also, potentially, on their own motivation, self confidence and career focus.

Student and employer demand

24 In pages 34-36 we set out measures to improve the profile and prestige of HTE. We propose to ensure that HTQs have a clear product identity and are promoted through a campaign. We also want HTQs to be given the recognition they deserve in school and college destination measures and amongst employers. We will look to harness the prestige of high-quality providers and professional bodies to promote HTE. To what extent do you agree or disagree with these measures to improve the profile of HTE?

Agree

Please provide any additional ideas:
The Federation believes the most effective way to develop a strategy for improving the profile of HTE is to undertake research with learners and employers on what might be the most effective methods of engaging them.

Student and employer demand

25 In pages 36-39, we set out measures to improve information, advice and guidance (IAG) for different groups. For young people and their teachers, we will work with the Careers & Enterprise Company, Career Development Institute and UCAS to achieve this, whilst for adults we will work with the National Careers Service and professional bodies to improve IAG. We will also improve employer understanding of HTE by working with LEPs, Growth Hubs and the National Apprenticeships Service. To what extent do you agree or disagree with these measures to improve IAG for young people and their teachers, adults and employers?

Not Answered

In what other ways could we help fill the HTE information gap for: Young people & their teachers. :
The Federation agrees with the measure proposed.

In what other ways could we help fill the HTE information gap for: Adults:
The Federation agrees with the measure proposed.

In what other ways could we help fill the HTE information gap for: Employers:
The Federation agrees with the measure proposed.

26 We want HTE to be accessible to a wide range of people and also want to make sure that the right support is available to help people to complete the course of study. In pages 39-42, we set out how we plan to encourage flexible provision for people with other responsibilities and make sure the most disadvantaged can access HTE, alongside other measures. Do you have any further evidence on what works in this space and what more government can do to improve access and help support students to undertake and complete a HTQ?

Please provide comments :
The Federation believes that if the resources that will be required to support the kite-marking process were instead channelled into effective promotion of the qualifications that are available and effective information, advice and guidance to support learners in accessing information and making decisions, this would have a more substantial impact on uptake and completion.

Wider impact

27 With reference to the impact assessments published alongside this consultation - Do you have any comments about the potential impact the proposals outlined in this consultation may have on individuals with a protected characteristic under the Equality Act 2010?

Please give reasons for your answer:
The Federation has nothing to add.

28 Do you have any other comments?

Please provide comments:
The Federation has nothing to add.