

## **1) About NIACE**

NIACE is the National Institute of Adult Continuing Education, the national voice for lifelong learning. We are an internationally respected development organisation and think-tank, working on issues central to the economic renewal of the UK, particularly in the political economy, education and learning, public policy and regeneration fields. We campaign for the personal, social and economic benefits from lifelong learning, work to improve people's experience of the adult learning and skills system, and fight for all adults to have opportunities throughout their lives to participate in and benefit from learning.

## **2) The proposed change**

Ofqual proposes to create new Conditions and guidance to enable it to replace the Qualifications and Credit Framework (QCF) with a new descriptive framework, the Framework of Regulated Qualifications (FRQ). As a simple descriptive framework, the FRQ will provide a means to describe and compare the level and size of qualifications and to identify possible progression routes between them. Unlike the QCF, the FRQ will impose no design rules on qualifications to secure policy aims, making it optional, rather than obligatory, for qualifications to be unit based and credit bearing.

## **3) Proposed changes which NIACE supports**

Although some qualification frameworks, such as the QCF, specify qualification design rules, it is quite acceptable, and much more common, for them not to. A simple descriptive framework, such as the FRQ, would have the advantage of encompassing all regulated qualifications, avoiding the confusion that has ensued whilst some regulated qualifications met the requirements of the QCF whilst the remainder simply complied with Ofqual's General Conditions. Although NIACE believes there should be design requirements of some types of qualifications to ensure they are fit for purpose, the qualifications framework upon which they sit does not have to impose these requirements. Design requirements can sit beneath a descriptive framework, within subject or qualification type guidance, such as currently exists for GCSEs, with the advantage that different requirements can be specified for different groups of qualifications.

Therefore NIACE can support many of the proposals described in the consultation linked to the establishment of the FRQ. Indeed, we welcome:

- The extension of regulatory rules about level to all qualifications. A consistent approach to describing the level of qualifications within the QCF was beneficial and similar consistency would be helpful within the FRQ.
- The retention of the number of levels currently used within the QCF. We agree that requiring a level recalibration would be unhelpful to users of the qualifications.
- The creation of a new set of level descriptors. This has the potential to reflect the full range of qualifications that will sit on the FRQ.
- The intention to carry forward the existing mapping to the EQF. Whilst this mapping is not exact, realigning FRQ levels to match those in the EQF will cause more disruption than it is worth.
- The intention to retain the current mapping to the levels in the Framework for Higher Education Qualifications for England, Wales and Northern Ireland (FHEQ). This mapping has been helpful and maintaining it will minimise disruption.
- The concept of Total Qualification Time to indicate the size of a qualification made up of Guided Learning, Directed study and Dedicated Assessment. This will help learners and other stakeholders to judge the workload and commitment required to achieve a qualification and enable Ofqual to meet its statutory duties in relation to Raising the Participation Age (RPA) legislation.

#### **4) NIACE's views on the other proposed changes**

We very much welcome the facility for awarding organisations to develop unit or Component based, credit bearing qualifications. NIACE [research](#) and BIS [research](#) shows that:

- the recognition of small increments of learning through unit accreditation can help transform a learner's sense of self-belief, confidence, self-value and agency in preparing them for employment and/or further study.
- the option of being able to accumulate credits over a timescale that suits the learner is sometimes the only viable means for them to work towards a full qualification.
- unit delivery allows a focus on the precise skills individuals need, rather than on whole qualifications. This could result in more learners being served by the skills system without increased cost and more likelihood that employers will fund the learning. This might be something that could be considered further within the review into the long term skills needs and funding issues NIACE has

recommended in its manifesto, [\*Skills for Prosperity: Building Sustainable Recovery for All\*](#).

However, we also note that Ofqual proposes that awarding organisations assign credit value to units and qualifications on the basis of TQT alone. We believe that it would be meaningless to do this in the absence of Conditions which ensure the stability and consistency of credit values and credit accumulation towards qualifications. A simple solution would be to build into the General Conditions, the components of the regulatory arrangements for the QCF which ensured the stability and consistency of unit credit values and the stability and consistency of credit accumulation towards qualifications i.e. the standard unit format and the standard format for representing rules of combination. If these components are not built into the General Conditions, awarding organisations will all use different unit or Component formats and different formats for representing rules of combination. If different formats are used, employers and learners will not be able to gauge the worth of credit values attached to different units, components and qualifications awarded by the same awarding organisation let alone different awarding organisations.

**We therefore recommend that Ofqual builds into its General Conditions, the requirement for all unit or component based, credit bearing qualifications to use the standard unit format and the standard format for representing rules of combination and any other content from the *Regulatory Arrangements for the QCF* that supports the stability and consistency of unit credit values and qualifications.**

As non-unit or component based qualifications would be achieved and used only in their entirety, it would be unnecessary for them to be assigned a credit value. In addition, in the absence of the sub-qualification unit or Component structure which supports the stability and consistency of credit values, credit values assigned to these qualifications only based on TQT would be prone to inconsistency.

**We therefore recommend that awarding organisations only attribute credit values to qualifications that are unit or component based.**

Our [research](#) on the effective functioning of qualifications in the QCF revealed that there were many units with huge credit values e.g. of 130,140 or even 150 credits. At the time, we identified that units with

such huge credit values risked bringing the QCF into disrepute. The same would happen if an upper limit was not placed on the possible credit value of units or Components in the FRQ.

**We therefore recommend that the proposed General Condition E8 permit a maximum credit value of 20 credits for any single unit or Component.**

Whilst we welcome the new Condition to describe expectations of awarding organisations that wish to recognise prior learning, leaving awarding organisations to choose whether or not to recognise prior learning is a step back from the RPL requirement in the *Regulatory arrangements for the QCF*. The QCF RPL requirement states that awarding organisations must have in place the necessary systems, procedures and resources to ensure achievement is recognised through the recognition of prior learning (RPL) where this is appropriate. Whilst our [research](#) showed that RPL has not been used extensively within the QCF, the arrangements within the QCF for the recognition of prior learning (RPL) have been important for individuals who need the opportunity to validate knowledge and skills gained through past uncertificated learning, work or life experience.

**We therefore recommend that Ofqual changes its proposed new Condition pertaining to RPL to require awarding organisations to ensure achievement is recognised through the recognition of prior learning (RPL) where this is appropriate.**

## **5) What NIACE believes is missing**

In addition to considering what Ofqual proposes, it is important to consider what is lost on moving from a reforming framework to a simpler descriptive framework.

Prior to the QCF, the predecessor National Qualification Framework (NQF) acted as an enabling framework, simply hosting qualifications, in a similar manner proposed for the FRQ, without specifying qualification design rules. This institutionalised unnecessary differences between different types of qualifications and led to a vast array of different qualification designs which was bewildering for employers and learners. The establishment of the QCF required awarding organisations to adopt the QCF standard unit template for all their vocational qualifications. This led to helpful consistency in vocational qualification design which has become familiar to many learners and employers. This helpful consistency will be

lost if awarding organisations are once again free to adopt any design for any vocational qualification within the FRQ.

It is appropriate to give awarding organisations the freedom to adopt the design they wish for some groups of qualifications within a descriptive framework. However, it is important that other groups of qualifications are required to adhere to defined design rules if consistency of design is important or a particular design is necessary to secure policy objectives. Where the design rules do not lead to the expected benefits, we believe work should be undertaken to identify a better design template for the group of qualifications rather than throwing the door open to any design.

Whilst the QCF depended upon its qualifications all conforming to one design, a descriptive framework such as the FRQ can accommodate different design requirements for different groups of qualifications. We believe Ofqual is in an ideal position to research and then specify design requirements where necessary. There is a precedent for this: Ofqual already takes an interest in the design of some types of non-vocational qualifications regulated through its General Conditions, for instance, it publishes guidance for awarding organisations in relation to the structure of GCSE qualifications.

**We therefore recommend that the regulator should take an interest in the design of some types of vocational qualifications on the FRQ, and should publish subject and qualification type guidance wherever helpful to guide awarding organisations towards fit for purpose designs, especially wherever learner and employer influence is relatively weak.**

The Ofqual consultation document identifies that a small number of respondents to the 2014 consultation identified potential equality impacts. NIACE was one of the organisations that alerted Ofqual to the continuing need for a unit based offer, particularly for disadvantaged and hard-to-reach learners. We appreciate that there is nothing in these new proposals which would prevent awarding organisations from developing and offering units and unit based qualifications, however we are not convinced that handing greater freedom to awarding organisations will necessarily result in them choosing qualification designs, such as unit based qualifications, that meet learners' needs. Awarding organisations are influenced by the needs of employers and learners but they can also be influenced by other factors such as the costs of development when deciding upon the format of their qualifications. Many vocational learners, and especially those learning at below level 2, have barriers to

engagement and achievement that make it less likely that they will commit to, and succeed in, lengthy, end tested qualifications. Prior to the QCF, NQF qualifications often had to be achieved in their entirety, within restrictive timescales and with very restricted, if any, choice in content. The unit based structure of QCF qualifications and the ways in which QCF units and credit could be used made learning towards regulated units and qualifications much learning more accessible. Learning may become more inaccessible if we return to giving awarding organisations greater freedom to choose the design of qualifications and unit based credit bearing qualifications become no longer available at some levels and in some sectors.

**We therefore recommend that below level 2 qualifications are the first group of adult vocational qualifications for which Ofqual publishes qualification type guidance and that this guidance states that, to be fit for purpose, all below level 2 adult vocational qualifications should remain unit based and credit bearing.**

In our rapidly evolving economy, adults will increasingly need access to focused and affordable, small amounts of learning at above level 2 to upskill and reskill. In response, to encourage wider investment from learners and employers, the Government has already introduced loans for L3 and L4 and may extend this to L2. Our own manifesto, [\*Skills for Prosperity: Building Sustainable Recovery for All\*](#) proposes Personal Skills Accounts which might encourage people to self-finance smaller chunks of learning. This potential new 'market' would be greatly hampered if unit based and credit bearing vocational qualifications were not available beyond level 2 in some sectors or for some occupational roles within sectors.

Our own [research](#) shows that unit delivery is an ideal format through which short, focused episodes of learning can be delivered. Findings reported in *Unit Delivery Research Programme 2013/14: Final report*, NIACE, 2014 show that employers like units. They like being able to target training on identified business needs. They like to see the impact of a unit before committing to funding full qualifications and they like the award of credit as a testimony to employee competence.

**We therefore recommend that Ofqual carefully considers the evidence from NIACE and BIS research about the benefits of unit based credit bearing vocational qualifications at above level 2. We believe that when employers are supported to work with unit**

**based qualifications, that the benefits are clear and well-documented.**

## Detailed Consultation Response

**Name\*** David Hughes

**Position\*** Chief Executive

**Organisation name (if applicable)\*** The National Institute of Adult Continuing Education (NIACE)

**Address** 21 De Montfort Street Leicester LE1 7GE

**Email** [david.hughes@niace.org.uk](mailto:david.hughes@niace.org.uk)

**Telephone** 0116 2044200

**Would you like us to treat your response as confidential?\*** No

**Is this a personal response or an official response on behalf of your organisation?\***

(x) Official response (Please answer the question 'Type of responding organisation')

**Type of responding organisation\***

(x) Other representative or interest group (please answer the question below)

**Type of representative group or interest group**

(x) Other (please state below)

Adult learning institute

**Nation\***

(x) England (x) Wales

**How did you find out about this consultation?** Through our regular meetings with Ofqual and our membership of the Skills Funding Agency Qualifications Advisory Group

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

(x) Yes

## **Response to Questions**

### **Question 1**

**To what extent do you agree or disagree that awarding organisations should assign an appropriate level to their qualifications?**

**(x) Strongly agree**

As a simple descriptive framework, the FRQ will provide a means to describe and compare the level and size of qualifications and to identify possible progression routes between them. The consistent approach to describing the level of qualifications within the QCF was found to be beneficial and the extension of regulatory rules about level to all qualifications will provide similar helpful consistency within the FRQ. One of the advantages will be that all regulated qualifications will now be mapped to the European Qualifications and Credit Framework and those above level 4 mapped to the Framework for Higher Education Qualifications for England Wales and Northern Ireland.

### **Question 2**

**To what extent do you agree or disagree that changing the level of a qualification would constitute a major change requiring an awarding organisation to notify us and others of the proposed change?**

**(x) Strongly agree**

The level of a qualification is of fundamental importance in enabling qualification users make judgements about the ability of the qualification holder. This means that a change to the level of a qualification is a major change. To ensure that Ofqual and others are able to maintain the accuracy of their descriptions of qualifications and be alerted to the potential need for a review of the qualification's validity, awarding organisation should be required to notify Ofqual and others of any proposed change to the level of a qualification.

### **Question 3**

**To what extent do you agree or disagree that if an awarding organisation changes the level of a qualification it should be required to put in place, and comply with, a plan to protect the interests of learners.**

**(x) Strongly agree**

**Please give reasons for your answer**

Learners work towards qualifications for various reasons. Some of these depend on the level of the qualification, for instance, many employers and learning providers have entry requirements which specify the achievement of a level

rather than a particular qualification. If the level of a qualification drops when a learner is mid-way through a course leading to the qualification, the investment of their time and resources (theirs or the Government's) could go to waste as a lower level qualification will not meet the entry requirement for the destination to which the learner aspires. Equally, there will be confusion amongst learners in receipt of qualifications from past learning if that qualification is suddenly deemed to be at a lower level. Consequently, we strongly agree that if an awarding organisation changes the level of a qualification it should be required to put in place, and comply with, a plan to protect the interests of learners. Ofqual will need to monitor the effectiveness of these plans to identify what measures protect learners. If this monitoring reveals that no measures can protect learners, then Ofqual will need to consider whether an alternative approach should be taken requiring awarding organisations to end the qualification that they wish to change and create a new qualification at the new level.

#### **Question 4**

**To what extent do you agree or disagree that if an awarding organisation changes the level of a qualification it should provide clear and accurate information about the change to all relevant users of the qualification?**

**(x) Strongly agree**

We strongly agree that all relevant users of qualifications such as employers and learning providers delivering further learning opportunities should be given clear and accurate information about a change to the level of a qualification. Many users of qualifications base decisions on the level of a qualification and the absence of clear and accurate information about a change to the level of a qualifications could lead to confusion.

#### **Question 5**

**We propose to have level descriptors for two categories: knowledge and skills. To what extent do you agree or disagree with this proposal?**

**(x) Strongly agree**

Although learning often involves the acquisition of both knowledge and skills, it can be the case that a qualification is primarily knowledge or skills based. Qualification descriptors that do not specify knowledge outcomes could not easily accommodate qualifications that are primarily knowledge based. Qualification descriptors that do not specify skills outcomes could not easily accommodate qualifications that are primarily skills based. Only level descriptors that describe

both knowledge and skills will be able to accommodate skills based, knowledge based and combined knowledge and skills based qualifications.

### **Question 6**

**Are there any other categories for which you think we should have descriptors?**

Yes  No

**Please give reasons for your answer**

Qualification end users can be interested in more than the knowledge and skills of a qualification holder. In some occupations, such as nursing and care work, an individual's values and attributes can be as important as their skills and knowledge. We believe that, in the future, qualifications may be developed that assess the acquisition of attributes and values but until that time, Ofqual need not incorporate an additional value/attribute category within its level descriptors.

### **Question 7**

**To what extent do you agree or disagree that our proposed level descriptors reflect the requirements of a qualification at each level?**

Agree

**Please give reasons for your answer**

Having applied them to some existing qualification specifications in a variety of subject areas we believe the level descriptors are suitable. Although they build on the level descriptors used within the QCF and EQF and at level 4 to 8 are consistent with the FHEQ, it may be wise to retain the option to review them after a period of time.

### **Question 8**

**Is there anything we could add to our proposed Requirements or guidance to help awarding organisations to use the level descriptors?**

Yes  No

**Please give reasons for your answer**

The proposed requirements and guidance appear to broadly provide the information awarding organisations need to use the level descriptors.

### **Question 9**

**We currently require qualification titles to include the level of the qualification. To what extent do you agree or disagree that we should retain this requirement?**

**(x) Strongly agree**

**Please give reasons for your answer**

Within the QCF, it has been very useful for the title of a qualification to include its level. It is particularly helpful where an awarding organisation provides a suite of qualifications in one subject covering several levels as the level is often the only element of the title that distinguishes the qualifications within the suite. The incorporation of framework level in the qualification title will also make it unnecessary for awarding organisations to resort to all sorts of other, and sometimes confusing, titling conventions to show that a qualification provides progression from a lower level qualification i.e. higher or advanced.

**Question 10**

**Do you have any comments about our proposed General Conditions?**

**(x) Yes ( ) No**

**Which Conditions do you feel need to be clearer? Why?**

Whilst we welcome the new Condition to describe expectations of awarding organisations that wish to recognise prior learning, leaving awarding organisations to choose whether or not to recognise prior learning is a step back from the RPL requirement in the *Regulatory arrangements for the QCF*. The QCF RPL requirement states that that awarding organisations must have in place the necessary systems, procedures and resources to ensure achievement is recognised through the recognition of prior learning (RPL) where this is appropriate. Whilst our [research](#) showed that RPL has not been used extensively within the QCF, the arrangements within the QCF for the recognition of prior learning (RPL) have been important for individuals who need the opportunity to validate knowledge and skills gained through past uncertificated learning, work or life experience. We therefore recommend that Ofqual changes its proposed new Condition pertaining to RPL to require awarding organisations to ensure achievement is recognised through the recognition of prior learning (RPL) where this is appropriate.

Our [research](#) on the effective functioning of qualifications in the QCF revealed that there were many units with huge credit values (e.g. of 130,140 or even 150 credits). At the time we identified that units with such huge credit values risked bringing the QCF into disrepute. The same would happen is an upper limit was not placed on the possible credit value of units or Components in the FRQ and

we therefore recommend that the proposed General Condition E8 permits a maximum credit value of 20 credits for any single unit or Component.

### **Question 12**

**To what extent do you think the draft RPA Criteria will help an awarding organisation determine whether a qualification is relevant for RPA purposes?**

**(x) Helpful**

**Please give reasons for your answer**

These criteria will be useful for awarding organisations determining whether a qualification is relevant for RPA purposes. However, we believe paragraph 2.4 should refer to factors listed in paragraphs 2.5 and 2.6 rather than 2.4 and 2.5. We believe that it would be more appropriate to refer to 'level 3' rather than 'GCE A level' in paragraph 2.6 (e)

### **Question 13**

**How helpful do you think the draft TQT Criteria and guidance will be when awarding organisations calculate the values for a qualification's Guided Learning, Directed Learning and Invigilated Assessment?**

**(x) Very helpful**

**Please give reasons for your answer**

The concept of Total Qualification Time to indicate the size of a qualification made up of Guided Learning, Directed study and Dedicated Assessment will help learners and other stakeholders to judge the workload and commitment required. It will also enable Ofqual to meet its statutory duties in relation to the RPA. We agree that evidence from Centres and or third parties is useful in helping an awarding organisation determine the number of guided learning hours and, in the absence of actual data from similar qualifications, that an estimate of the likely guided learning hours is the best approach. However, we feel any estimate should be reviewed subsequently once the qualification has been delivered and data is available on the actual number of guided learning hours. Furthermore, we suggest that Ofqual should specify how many it deems a reasonable number of Centres and third parties to be.

### **Question 14**

**We originally proposed to describe: "The activity of a Learner in preparation, study or any other form of participation in education or**

**training which takes place as directed by – but not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training” as “Directed Study”. In response to feedback we are considering describing such activities as “Directed Learning”. Which of these descriptions would you prefer us to use?**

**(x) Directed learning**

**Please give reasons for your answer and suggest any alternatives you would favour**

We agree that the term ‘Directed Learning’ has wider application to work based learning as well as academic learning. It would also better describe learning through experiential learning in other non-workplace settings.

### **Question 15**

**We originally proposed to describe: “The participation of a Learner in the activity of being assessed for a qualification, where the assessment is subject to Invigilation but takes place without the benefit to the Learner of the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training” as “Dedicated Assessment”. In response to feedback we are considering describing such activities as “Invigilated Assessments”. Which of these terms would you prefer us to use?**

**(x) Invigilated assessment**

**Please give reasons for your answer and suggest any alternatives you would favour**

The reference to invigilation in the term ‘invigilated assessment’ will be helpful to qualification users and other stakeholders.

### **Question 17**

**Are there any additional steps we could take to mitigate any negative impact resulting from these proposals on persons who share a protected characteristic?**

**( x ) Yes ( ) No**

**If yes, please comment here on the additional steps we could take to mitigate negative impacts:**

Prior to the QCF, the predecessor National Qualification Framework (NQF) acted as an enabling framework, simply hosting qualifications, in a similar manner proposed for the FRQ, without specifying qualification design rules. This institutionalised unnecessary differences between different types of qualifications and lead to a vast array of different qualification designs which was bewildering for employers and learners. The establishment of the QCF required awarding organisations to adopt the QCF standard unit template for all their vocational qualifications. This led to helpful consistency in vocational qualification design which has become familiar to many learners and employers. This helpful consistency will be lost if awarding organisations are once again free to adopt any design for any vocational qualification within the FRQ.

It is appropriate to give awarding organisations the freedom to adopt the design they wish for some groups of qualifications within a descriptive framework. However, it is important that other groups of qualifications are required to adhere to defined design rules if consistency of design is important or a particular design is necessary to secure policy objectives. Where the design rules do not lead to the expected benefits, we believe work should be undertaken to identify a better design template for the group of qualifications rather than throwing the door open to any design.

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We therefore recommend that the regulator should take an interest in the design of some types of vocational qualifications on the FRQ, and should publish subject and qualification type guidance wherever helpful to guide awarding organisations towards fit for purpose designs, especially wherever learner and employer influence is relatively weak.

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influenced by other factors such as the costs of development when deciding upon the format of their qualifications. Many vocational learners, and especially those learning at below level 2, have barriers to engagement and achievement that make it less likely that they will commit to, and succeed in, lengthy, end tested qualifications. Prior to the QCF, NQF qualifications often had to be achieved in their entirety, within restrictive timescales and with very restricted, if any, choice in content. The unit based structure of QCF qualifications and the ways in which QCF units and credit could be used made learning towards regulated units and qualifications much learning more accessible. Learning may become more inaccessible if we return to giving awarding organisations greater freedom to choose the design of qualifications and unit based credit bearing qualifications become no longer available at some levels and in some sectors.

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We therefore recommend that Ofqual carefully considers the evidence from NIACE and BIS research about the benefits of unit based credit bearing vocational qualifications at above level 2. We believe that when employers are supported to work with unit based qualifications, that the benefits are clear and well-documented.

## **Question 19**

**Are there any potential regulatory impacts of the proposals in this document that we have not identified?**

Yes  No

**If yes, what are they?**

We very much welcome the facility for awarding organisations to develop unit or Component based, credit bearing qualifications. NIACE [research](#) and BIS [research](#) shows that:

- the recognition of small increments of learning through unit accreditation can help transform a learner's sense of self-belief, confidence, self-value and agency in preparing them for employment and/or further study.
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*QCF* that supports the stability and consistency of unit credit values and qualifications.

As non-unit or component based qualifications would be achieved and used only in their entirety, it would be unnecessary for them to be assigned a credit value. In addition, in the absence of the sub-qualification unit or Component structure which supports the stability and consistency of credit values, credit values assigned to these qualifications only based on TQT would be prone to inconsistency.

We therefore recommend that awarding organisations only attribute credit values to qualifications that are unit or component based.

**End of response**