



Qualifications and
Curriculum Authority



Proposed interfaces between Ofqual and QCA on qualifications and related areas of work

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Introduction

The Office of the Qualifications and Examinations Regulator (Ofqual) and the Qualifications and Curriculum Development Agency (QCDA) are being established as separate organisations. Ofqual will be a regulatory body reporting to parliament and QCDA will be an agency reporting to government. Until legislation formalising the set up of Ofqual and QCDA is passed through parliament both organisations will legally remain part of the Qualifications and Curriculum Authority (QCA), the relationship between the two is governed by the Memoranda of Understanding.

In the interim Ofqual will act as an independent regulator with the responsibility to:

- maintain standards in existing, new and revised qualifications and tests
- recognise awarding organisations that are fit to be in the national systems and make sure that they are effective
- secure an effective and efficient qualifications market
- act in the public interest when things go wrong
- promote and sustain confidence in the regulated system.

Ofqual is committed to working on a four-country basis with the qualification regulators of Wales, Northern Ireland and Scotland.

In the interim QCDA will act as a qualifications development agency with the following responsibilities in relation to these interface arrangements:

- to provide expertise, within an agreed remit, in the development of new qualification criteria
- to provide support and expertise, within an agreed remit and working in partnership with awarding organisations, in developing new qualifications and in revising existing ones
- to scrutinise final qualification submissions, supporting Ofqual in discharging its duties as an independent regulator.

While they will operate at arms' length from one another, both organisations will have distinct responsibilities that will require them to work closely together. To ensure openness and accountability, both organisations have to set out an agreed way of conducting these activities that will allow them to fulfil their respective objectives and obligations. It is imperative that there is a clear division of work between the organisations and that staff do not carry out conflicting activities. What follows is a description of those agreements which have been defined in this document as protocols.

The protocols set out in this document reflect the agreements reached between QCDA and Ofqual through an internal project that concluded in October 2008. These protocols

complement the Memoranda of Understanding developed to support the creation of Ofqual as an interim regulator in April 2008.

The protocols aim to describe the separation of roles and responsibilities between QCDA and Ofqual, with the aim of ensuring effective coordination. These agreements represent the initial thinking of the two organisations and are presented here as a working draft to support further discussions with partners. The engagement of awarding organisations, sector skills councils (SSCs) and other stakeholders is ongoing and will ensure that these protocols are robust and fit for purpose. In implementing these protocols we are also working closely with the other regulators in Wales, Northern Ireland and Scotland.

The current protocols are outlined over the following pages. They are categorised into areas of business activity between QCDA and Ofqual under the following headings:

- Awarding organisation recognition
- Criteria development
- Criteria adoption
- Criteria post-adoption
- Qualification development
- Qualification accreditation
- Equality issues relating to qualifications interfaces
- IT services for qualifications work
- External communications

Process maps have been developed in support of these protocols. The process maps aim to explain, in terms of practical steps, how the protocols will work between the two organisations.

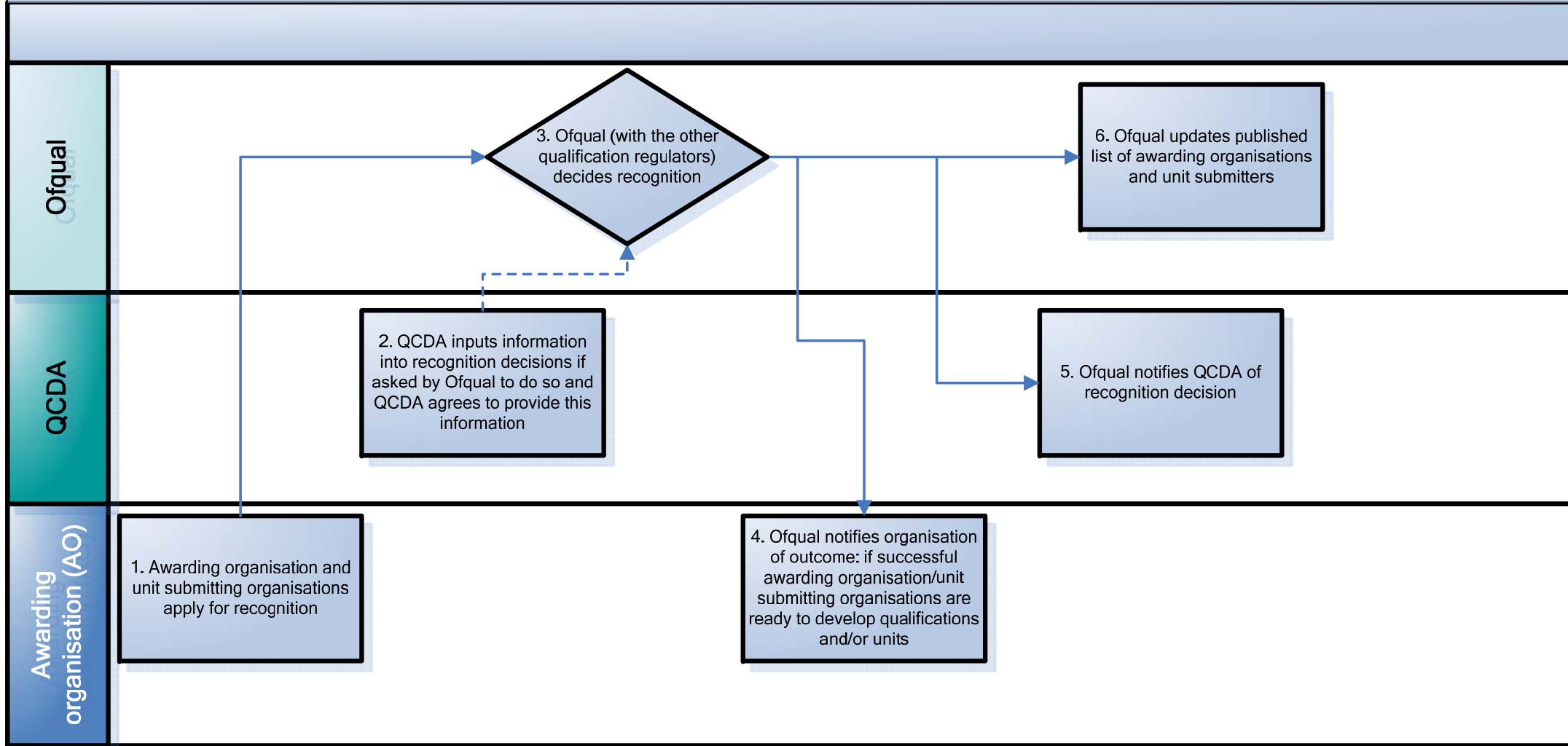
In some cases the process maps have been simplified to reflect feedback from stakeholders. A number of new process maps have also been added in relation to qualification development, in response to stakeholder feedback. These are exploratory and are designed to support further dialogue.

Awarding organisation recognition

1. Post-recognition

- i) In addition to the general provisions for the sharing of information, Ofqual will keep QCDA updated on new awarding organisations and any changes to the qualifications that awarding organisations are licensed to develop.

Process map 1 - Recognition



Criteria development

1. Responsibility for criteria development

- i) Requests for criteria development may come from a variety of sources. However, Ofqual's agreement should normally be secured before work on revising existing criteria or developing new ones begins.
- ii) QCDA and Ofqual agree that QCDA will be responsible for developing any criteria for qualifications that are designed for 14- to 19-year-olds within the national suites of qualifications or new developments arising from published government policy. Currently, the national suites for 14- to 19-year-olds are GCSEs, A levels, Diplomas (including the principal learning, functional skills, project, and additional and specialist learning (ASL) components), apprenticeships and foundation learning tier progression pathways.
- iii) For qualifications other than those intended to form part of the national suites, Ofqual will decide when criteria are required and will make a formal request to the appropriate organisation(s) to develop the criteria. The appropriate organisation may be QCDA.
- iv) Where Ofqual intends to formally ask QCDA to develop or revise criteria, it will consult QCDA before contacting QCDA in writing.

2. Ofqual and QCDA interactions during criteria development

- i) At the start of the criteria development process Ofqual and QCDA will agree a plan and identify opportunities to work together. Such work may include, for example:
 - a pre-consultation draft of the criteria
 - responses to public consultation and plans for the resolution of issues identified through consultation activity
 - a summary report of the outcome of the public consultation
 - a full report on the criteria development process.

3. Management of third-party input into criteria development

- i) QCDA will manage the input of any third parties (SSCs, subject associations, Diploma development partnerships (DDPs) etc) into the criteria development process to ensure that criteria submitted for adoption have been developed with appropriate consideration of third-party views.

Criteria adoption

1. Adoption

- i) The qualification accreditation criteria will be adopted by Ofqual and, where appropriate, the other regulators, once Ofqual is content with them. Decisions on criteria adoption will be substantive and based on thorough consideration of QCDA proposals.

2. Timescales for adoption

- i) QCDA, Ofqual and, where appropriate, other regulators, will agree timescales at the beginning of the criteria development process to ensure that there is sufficient time to both develop and adopt the criteria.
- ii) Where Ofqual and the other regulators are unwilling or unable to adopt criteria presented to them by QCDA, Ofqual and the other regulators will agree a further timeline with QCDA to enable the incorporation of required revisions and a subsequent adoption decision.

3. Other country regulation

- i) Ofqual will coordinate the involvement of the other qualifications regulators in the criteria adoption process.

Criteria post-adoption

1. Publishing criteria

- i) Ofqual will publish the criteria to ensure they are available to anyone who needs to access them.
- ii) In particular, Ofqual will notify awarding organisations when criteria for the accreditation of new qualifications are available.

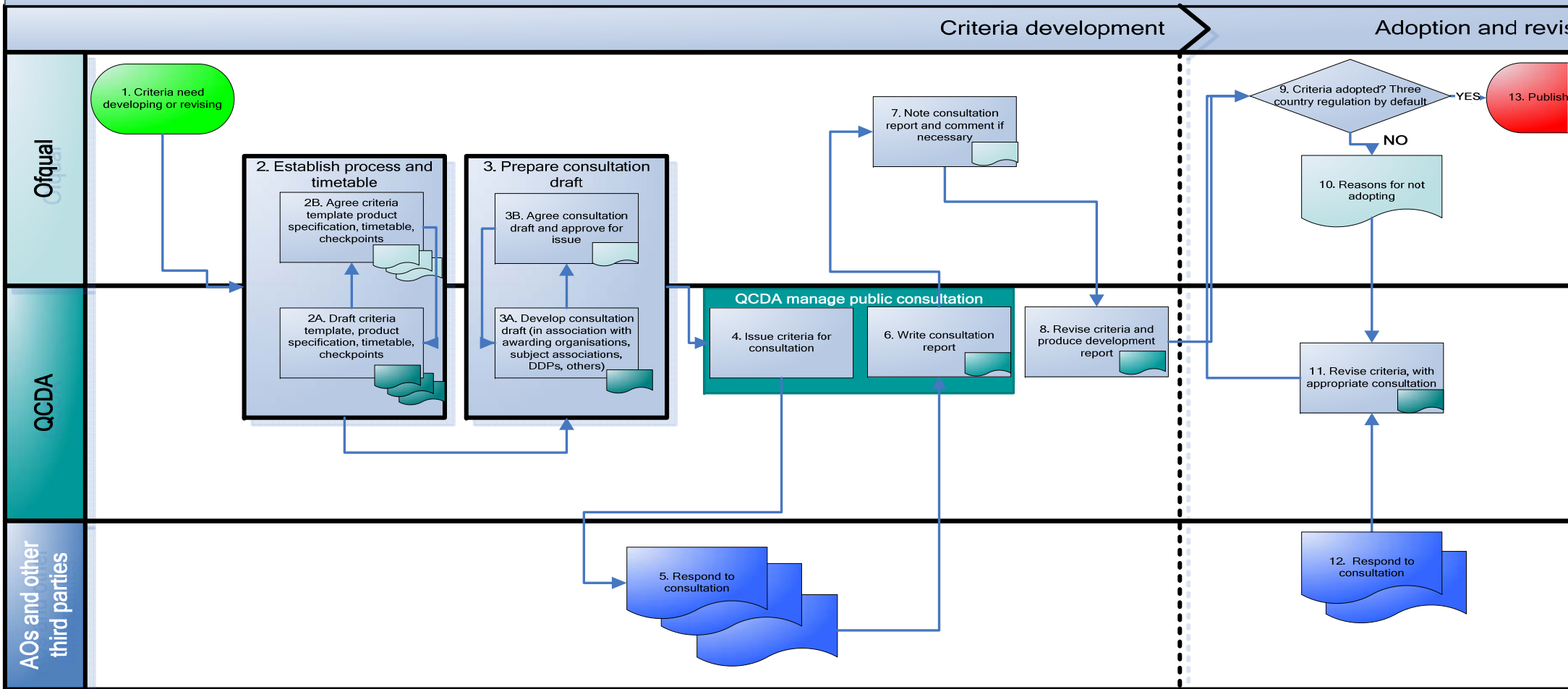
2. Responding to challenges

- i) Where criteria that have been adopted are challenged, the regulators will respond to those challenges. The regulators 'own' the final version of the criteria that they have adopted. The regulators will seek advice from QCDA, government and others, as appropriate, in responding to such challenges.
- ii) QCDA will inform Ofqual if it receives any challenges in relation to the criteria once the regulator has adopted them.
- iii) Ofqual should, in particular, consult with QCDA if a challenge relates to:
 - the policy intent of the qualification
 - the criteria that outline curriculum content.
- iv) QCDA and Ofqual may still wish to make separate public statements. If such a situation arises, the section relating to communication will apply.

3. Revisions to criteria

- i) Requests for criteria revision may come from a variety of sources. Ofqual's agreement should normally be secured before work on revising existing criteria begins.
- ii) Ofqual will normally seek advice from a range of sources, including the original criteria developer(s), in determining the appropriateness of criteria revisions.
- iii) If the regulators decide that published criteria which QCDA have developed need to be revised, QCDA will be asked by the regulators to undertake the revision.

Process map 2- Criteria development (primarily national suites)



Qualification development

1. Supporting qualification development

- i) The regulator does not develop qualifications. This is a matter for the awarding organisations concerned, with the support of QCDA, the SSCs and other third parties.
- ii) QCDA will provide such support to awarding organisations, as it considers reasonable, to enable the development of qualifications that are to form part of the national suites.
- iii) QCDA will be available to provide such support to awarding organisations in the development of other qualifications as it considers both appropriate and reasonable under any of the following circumstances:
 - if support is sought by the awarding organisations
 - if Ofqual requests a QCDA report for those qualifications
 - if government remit requires it to do so.

2. QCDA input into the qualification development process

- i) QCDA will be responsible for agreeing the approach, timescales and resources with awarding organisations.
- ii) Alongside agreeing the approach, timescales and resources, QCDA and awarding organisations will manage the input of any third parties (SSCs, DDPs etc) into the development process to ensure that a finalised qualification and QCDA report are not held up by the lack of a third-party view.

3. 14–19 qualifications that are to form part of the national suites

- i) Qualifications that are to form part of the national suites will be scrutinised prior to accreditation or re-accreditation. As part of this scrutiny, Ofqual will normally require 14–19 qualifications that are to form part of the national suites to be accompanied by a QCDA report when presented for accreditation. Any exceptions to that requirement will be decided by Ofqual, and communicated to QCDA and the relevant awarding organisations.
- ii) Ofqual will normally request that QCDA produces a report on these qualifications.
- iii) Where it agrees to provide the report, QCDA will carry out a formal pre-accreditation check against the regulatory criteria on the specifications for qualifications that are to form part of the national suites. A formal report, using a format and content agreed in advance by QCDA and Ofqual, will be given to Ofqual by QCDA.
- iv) Ofqual will formally mandate, through an amendment to the common criteria and at the earliest possible opportunity, that awarding organisations should confirm

QCDA support for 14–19 qualifications intended to be part of the national suites upon submission to Ofqual. The specific wording of the common criterion is for Ofqual to decide.

4. Lack of QCDA report

- i) Ofqual will contact QCDA (as well as the awarding organisation) if it receives a 14–19 qualification that is to form part of the national suites for accreditation without a QCDA report.
- ii) Ofqual will not normally accredit 14–19 qualifications that are to form part of the national suites when not accompanied by a QCDA report unless both QCDA and the awarding organisation have been notified by Ofqual in advance that a report is not required.

5. Awarding organisation capacity building

- i) QCDA will support awarding organisations in developing their capabilities and capacity to submit qualifications to Ofqual that do not require further scrutiny, by offering training, development and support over a three- to five-year-period.

6. Additional checking

- i) Awarding organisations will sometimes apply for an accredited qualification to be used for a purpose for which it was not accredited. For example, an accredited vocational qualification might be put forward for inclusion in the ASL component of the Diploma. In such circumstances, the qualification would be required to meet all relevant criteria. To secure this, QCDA will produce a supplementary report on the qualifications' compliance with the regulatory criteria against which it has not yet been checked. In other words, quality checks undertaken prior to the original accreditation decision will not be repeated. Ofqual will take due account of this report before deciding whether the qualification meets the criteria in question.
- ii) Qualifications already approved for inclusion in the ASL component of the Diploma (those currently offered as ASL) will not go through this process, except within the normal course of qualification re-accreditation.

7. Timescales for development and accreditation

- i) QCDA and Ofqual will agree timescales for the end-to-end qualification development and accreditation process, with the aim of ensuring that there is sufficient time to support both the development and accreditation of high quality qualifications.
- ii) As part of this, Ofqual and QCDA will agree appropriate response times for criteria queries submitted to Ofqual by QCDA and/or an awarding organisation.

8. Developmental guidance and feedback

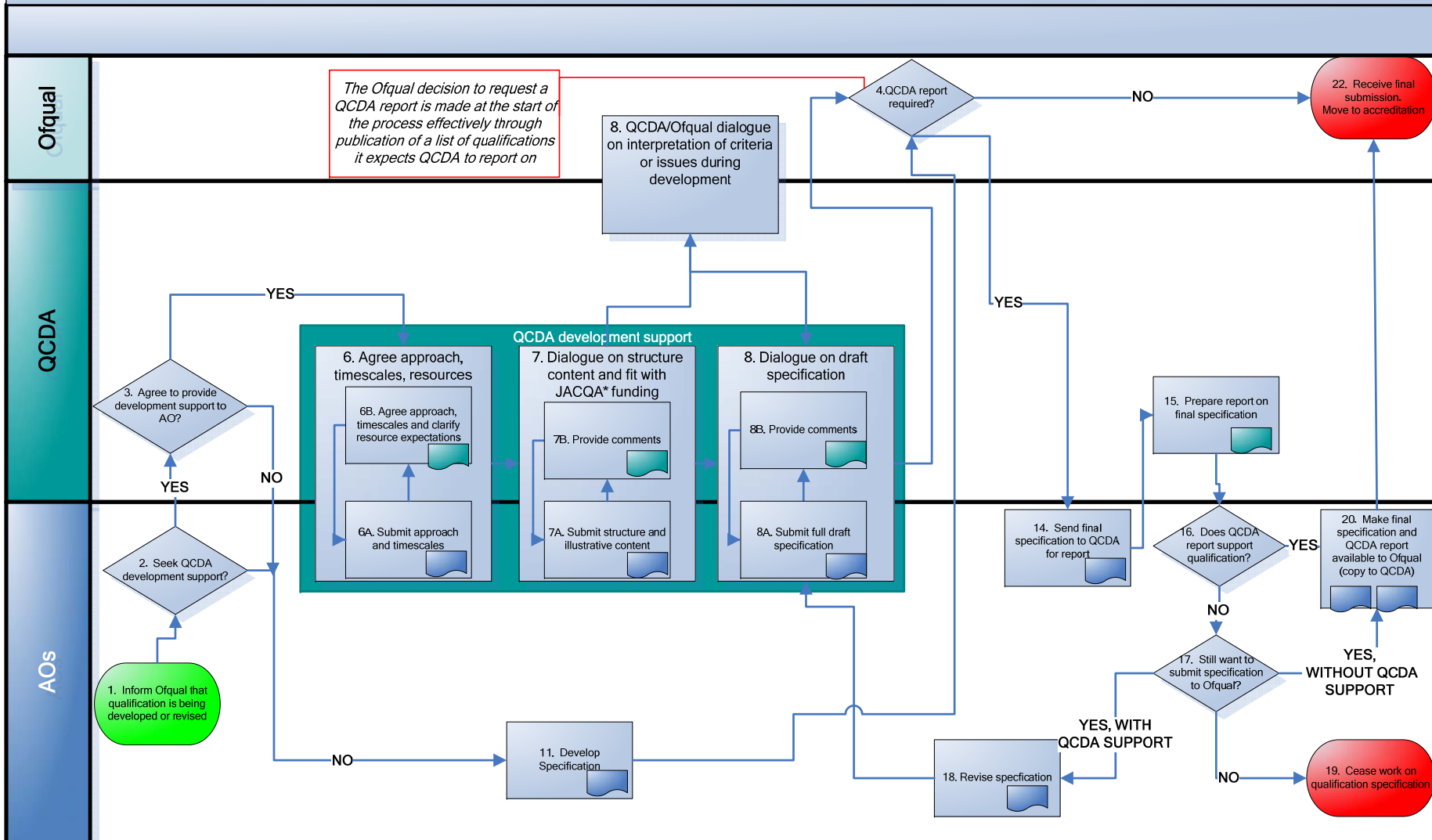
- i) Both organisations agree that QCDA feedback and advice provided during the qualification development process to awarding organisations will not influence Ofqual's accreditation decision.

- ii) QCDA will label all developmental feedback and make clear to awarding organisations that developmental guidance on criteria compliance cannot replace nor anticipate the regulator's final accreditation decision.

9. End of development process

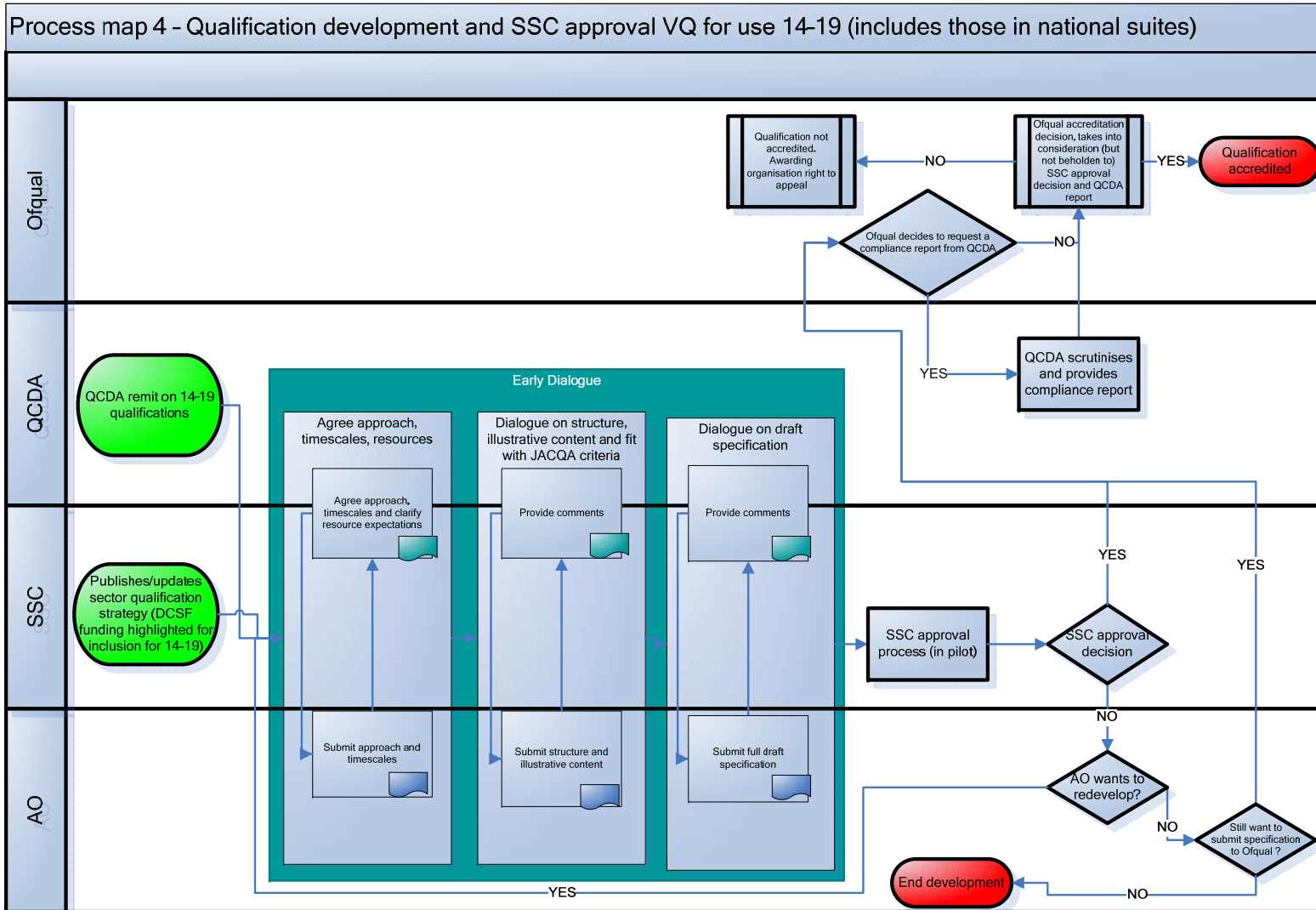
- i) The breakpoint between qualification development and qualification accreditation occurs when the awarding organisation has a full draft for a qualification that it believes meets the relevant criteria. Where QCDA or third parties have been involved in the development of a qualification, this is also the breakpoint between QCDA / third party development support and the beginning of Ofqual's accreditation process. At this stage the qualification is submitted to Ofqual for an accreditation decision.
- ii) The decision to submit a qualification to Ofqual for accreditation lies with the awarding organisation. Note that the awarding organisation will normally be expected to submit the full proposal for the qualification, including any third-party reports, to Ofqual.

Process map 3 - General qualification development



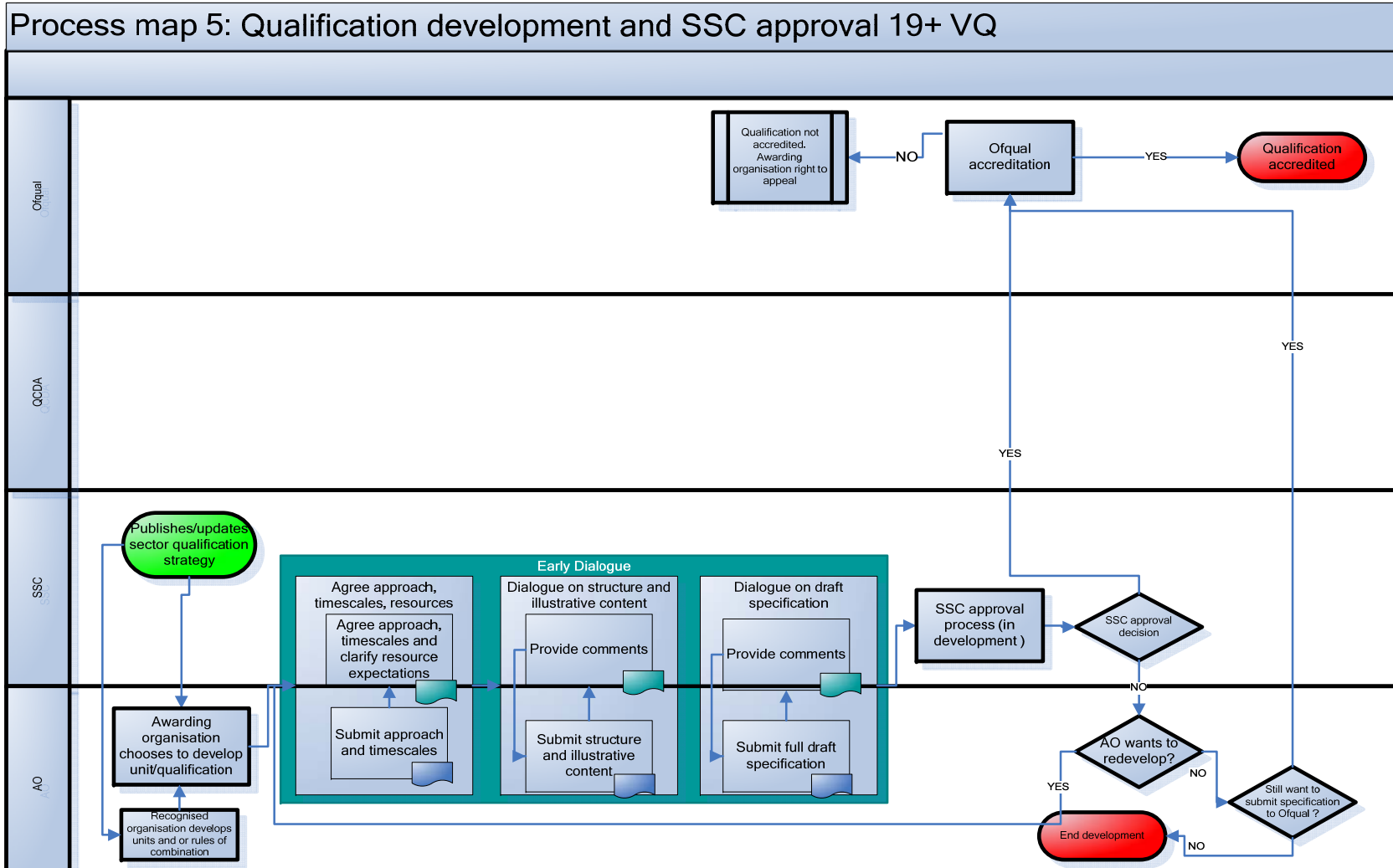
Qualification development and SSC approval for vocational qualifications for use for 14- to 19-year-olds

Please note that this process map represents exploratory thinking.



Qualification development and SSC approval post-19 Vocational qualifications

Please note that this process map represents exploratory thinking.



Qualification accreditation

1. Regulatory use of QCDA report

- i) Ofqual will take due account of any relevant QCDA reports or letters in making its final accreditation decisions. Ofqual will not be bound by QCDA recommendations.

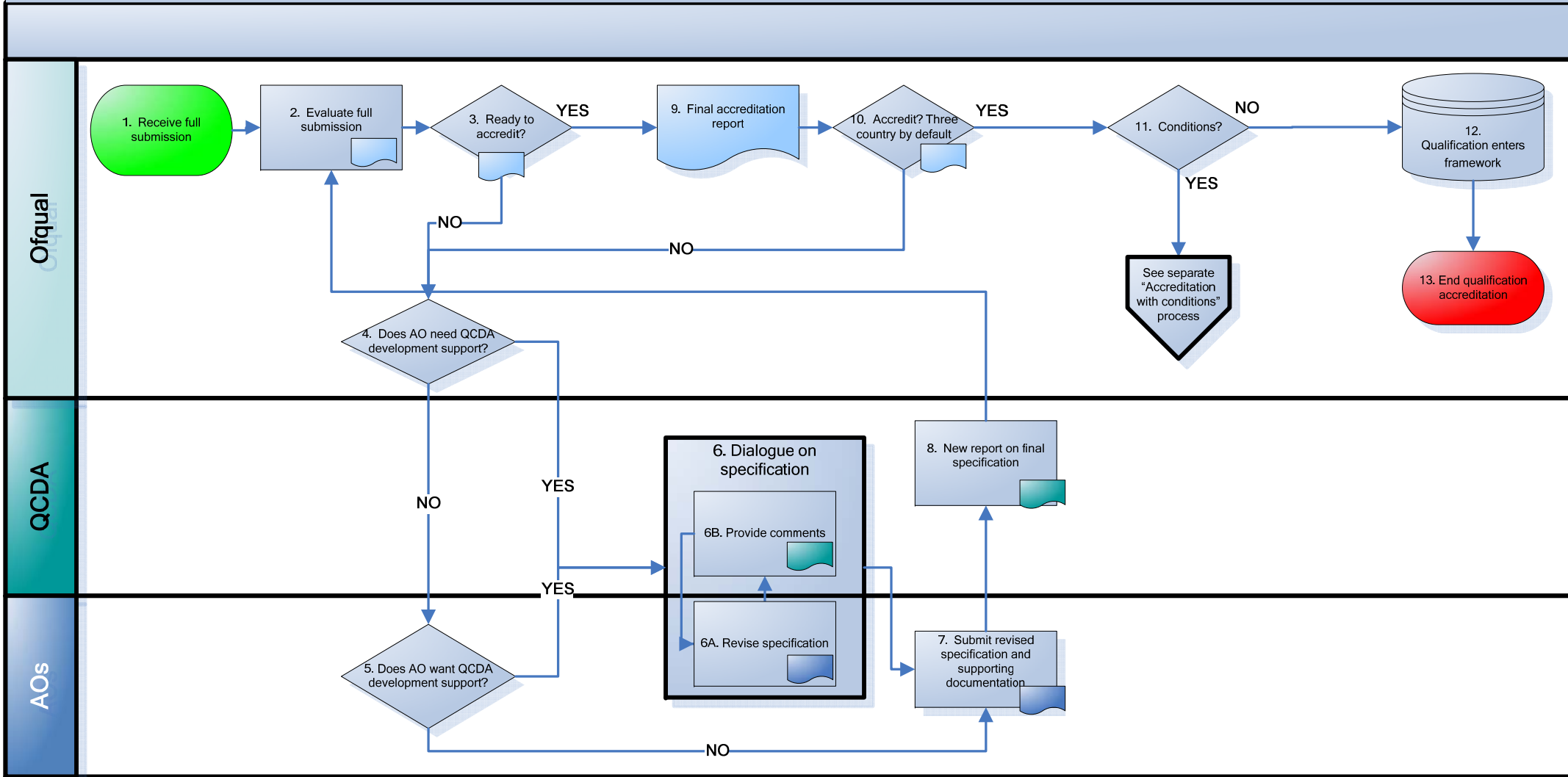
2. Conditions of accreditation

- i) Where it determines it necessary, Ofqual will set conditions in relation to accreditation. Ofqual will determine the most appropriate organisation to give a view on whether the conditions have been met. Ofqual will consider whether QCDA is the most appropriate organisation.
- ii) Where Ofqual intends to formally ask QCDA for its view on whether conditions have been met, it will consult QCDA before contacting the organisation in writing.

3. Feedback when regulator does not accredit

- i) Ofqual will provide feedback to QCDA if QCDA has provided a report or other communication about a qualification.
- ii) If Ofqual believes that a qualification is not ready to be accredited it will let QCDA and the awarding organisation know if it requests that QCDA be involved in the re-development of the qualification.

Process Map 6 - General qualifications accreditation



Post-accreditation monitoring

1. Overall responsibility and accountability

- i) The post-accreditation monitoring of awarding organisations is a matter for Ofqual. Any subsequent penalties/conditions/restrictions upon the operation of an awarding organisation should also be matters for the regulator(s).

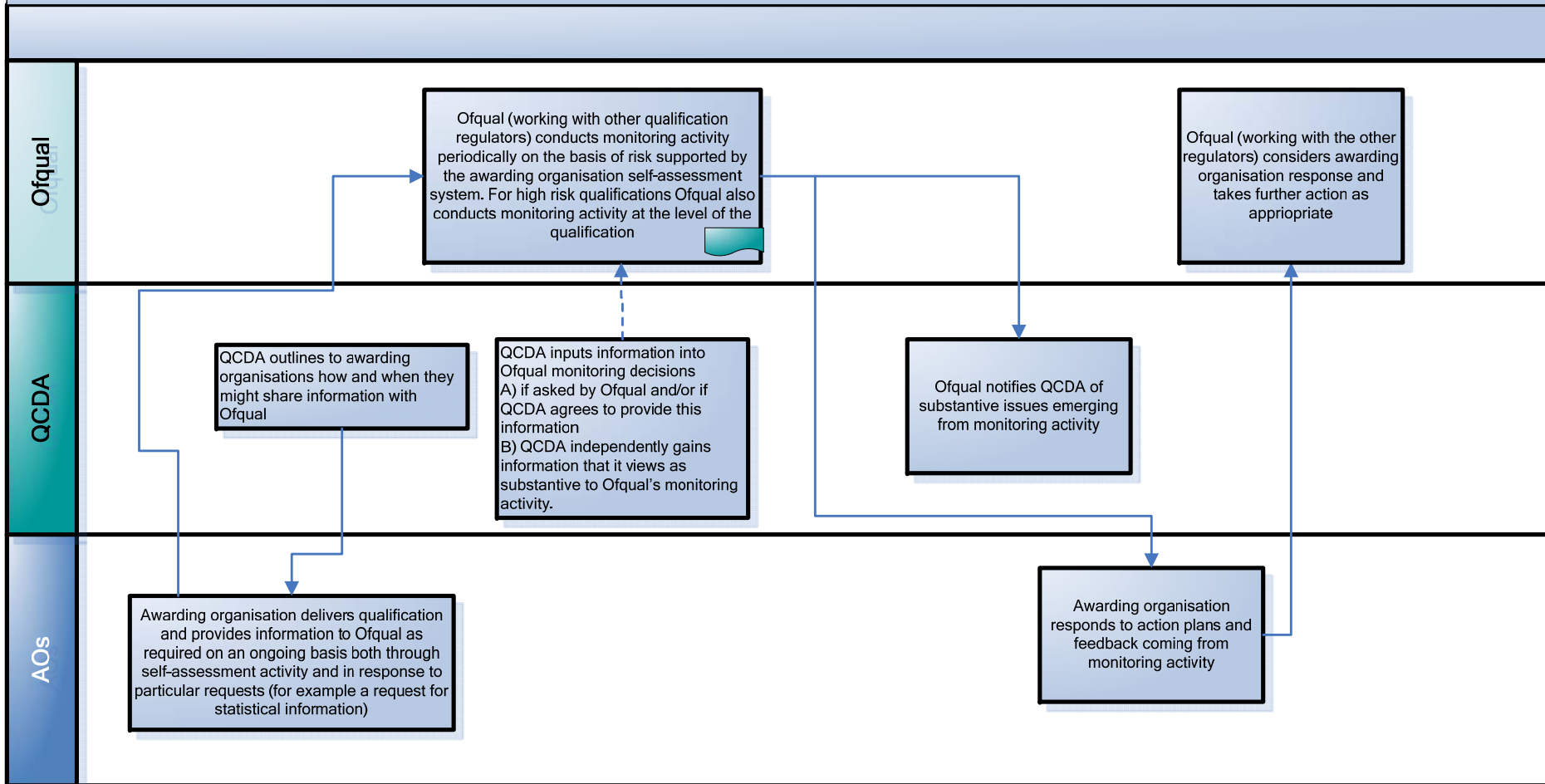
2. Risk identification

- i) During its programme of monitoring, Ofqual should undertake a process of risk identification to best target its monitoring activities.

3. Access and exchange of Information

- i) Ofqual may want to access information from QCDA's development activity to inform its own monitoring activities. However, Ofqual recognises that there is a fine balance between the value of this additional source of information and safeguarding QCDA's role in supporting awarding organisations with qualification development. Both organisations have a duty to protect the interests of the qualifications system and the learner. In the spirit of this shared interest, QCDA should make it clear when working with awarding organisations that the awarding organisations have a duty to notify the regulator(s) of any substantive cause for concern regarding the awarding organisations' own procedures and systems.
- ii) Where, in working with an awarding organisation, QCDA becomes aware of information that, in its opinion, should be brought to Ofqual's attention, it will advise the awarding organisation to contact the regulator(s). If subsequently QCDA believes there is still further risk to the system, QCDA will contact the regulator(s) directly.
- iii) In the interest of developing a collaborative working relationship with awarding organisations QCDA will make the above arrangements clear at the outset of any engagement with an awarding organisation.

Process map 7- Post-accreditation monitoring



Equality issues relating to qualifications interfaces

1. Criteria development and adoption

- i) By adopting criteria, Ofqual substantively acquires responsibility for the criteria.
- ii) QCDA will be available to provide advice to Ofqual as a curriculum expert if Ofqual requests it. This may include advice on equalities.

2. QCDA scrutiny of equalities in reports provided to Ofqual

- i) QCDA will assess whether a qualification has satisfied the equalities requirements. This assessment should be included in the report to Ofqual.

3. Ofqual scrutiny of qualifications

- i) Ofqual will satisfy itself that it has supporting evidence from QCDA (where required) and the awarding body, as well as assuring itself in relation to equalities compliance.

IT services for qualifications work

1. Governance

- i) Each organisation should govern the services that relate directly to its core business. The term 'governance' is taken to mean that the organisation concerned is responsible for defining its business service requirements and that it takes responsibility for securing relevant business service requirements from a service provider. It also means that it is responsible for outputs from the IT services that it governs, provided its requirements have been met.
- ii) The regulators are accountable for statutory duties; they must recognise awarding organisations and accredit qualifications, and publish associated lists. Therefore the regulators should govern all IT services that enable recognition and accreditation, and that record the outcomes of its decisions, with QCDA represented as a significant user of those services, if appropriate. In most cases these duties will apply to the three regulators (Ofqual, CCEA & DCELLS in England, Northern Ireland and Wales respectively) and in a few cases, to Ofqual alone.
- iii) QCDA governs services – including the Diploma Aggregation Service – to help it deliver its responsibilities in relation to supporting qualification development and the delivery of government policy.

2. Defining and securing requirements

- i) QCDA and Ofqual should clearly define its business service requirements with regard to qualifications. In particular, each should clarify where those services might necessitate an interface with the other organisation and how those interfaces are to be supported.
- ii) How interfaces are to be supported by an organisation's IT service should be agreed with the other organisation.
- iii) Each organisation will be separately responsible for securing its service requirements from a service provider.

External communications

While coming from common parentage it is important that QCDA and Ofqual have distinct identities and profiles. Audiences should not be confused about who is doing what. It is the responsibility of Ofqual and QCDA to clearly communicate their roles and responsibilities. Each organisation has an opportunity to occupy a unique space and to command a positive public profile, but this profile must be managed with care, in line with agreed protocols.

- i) Ofqual is the regulator and is accountable for statutory duties in relation to awarding organisation recognition, finalised criteria and accredited qualifications. It is the organisation that will give a definitive independent view on standards in assessment, and increase understanding of qualifications, the qualifications system and qualifications market in order to build public confidence.
- ii) QCDA is the agency that undertakes development work in regard to the curriculum, assessments and qualifications, and that develops and delivers national curriculum assessments. It will need to have a public profile for the work it undertakes and will conduct work, such as consultations, under this brand.
- iii) Either Ofqual or QCDA retains the right to comment on areas where, although it is not the accountable organisation, it retains a significant interest.
- iv) Both organisations agree that constructive cooperation on communications issues is important. To this end, it will sometimes be pertinent to share formal external communications, written and verbal, prior to release. This will be of particular benefit where the communications relate to policies, procedures or outputs of the other organisation, or where the communication could impact on or commit the alternate organisation.
- v) Where there is disagreement between Ofqual and QCDA over communications, both organisations agree that the issue should be resolved by frontline communications staff working cooperatively. When this is not possible, the matter should be raised with the directors of communications at Ofqual and QCDA for resolution.

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