Feel the weight

REGULATORY IMPACT IN AWARDING

A report on the perceptions and experience of increasing regulatory burden of awarding and assessment organisations over the past decade

February 2022

Foreword by Tom Bewick

Regulation is the necessary consequence of living in an orderly and well managed society. However, just because we need rules and regulations to support certain economic and societal goals, doesn't make the existence of 'regulation' in the lives of people or organisations any less contested or controversial.

In democratic societies, the development of formal regulation, including its contestability, are subject to parliamentary scrutiny. Ultimately, legislators are accountable to citizens via the ballot box. In 2010, when the coalition government came to power, ministers responded to public and business concerns about red tape and the perceived burden of regulation, by introducing the so-called one in, one out rule (OIOO) for all newly proposed government regulations.

By 2016, this had turned into the one in, three out rule (OITO). Several years on, it is still unclear how successful these measures have been, with the National Audit Office (NAO) pointing out that government departments rarely monitor or seek to measure the growth of regulatory burden on individuals and businesses.

Education is a complex system. Not all post-16 skills and qualifications operate at the level of a commodity. The market alone, like Adam Smith once predicted, is not self-regulating. We educate learners for the public good, as well as develop the next generation of apprentices to be eventually competent in the labour market. In other words, regulation is there to protect the learner's interest, as much as it is to ensure that capitalism can benefit from a well trained workforce.

Markets are made up of producers and consumers. The latter sometimes need protection from the former, not least to ensure market abuse does not occur. Similarly, market participants can only be held to the same set of standards, 'the rules of the game', if they are prevented from undercutting their competitors by taking financial or administrative short cuts. Good regulators therefore are like the best umpires in sport. They effectively referee the system in the interests of everyone. Those who break the rules face sanction.

It is one of the reasons why regulation is so important and why at the Federation of Awarding Bodies (FAB) we believe in the existence of effective regulation. Indeed, to be a full member of FAB it is a requirement to be a part of the 'regulated community' recognised by at least one competent regulator in any constituent part of the United Kingdom. Unregulated awarding and assessment bodies cannot take part directly in our governance proceedings. They are not who we represent to government.

This report takes as its starting point that effective regulation is a good thing. However, it also documents the growing discontent and disillusionment with a system of qualifications regulation across the UK that is increasingly becoming more and more complex; with overlapping and competing bodies, often requesting similar and multiple types of the same information.

We anticipate, for example, that new regulatory approval mechanisms for vocational and technical qualifications – brought in by the Institute for Apprenticeships and Technical Education ifATE later this year – will add significant additional cost burden that Awarding Organisations (AOs) must meet. Moreover, a very conservative annual estimate across the full membership of FAB appears to be in excess of £6 m spent on meeting regulatory compliance. However, in all likelihood, the reality may be well in excess of this number when including those AOs currently outside membership, who are not covered by this report.

In all cases, increases in the cost of administrative burden is money lost to the system, when it could be spent on improving the learner experience.

Regulation is never a 'free good' – it comes at a price, either financially, administratively or to society's wellbeing as a whole. Of course, the role of regulators is to ensure that the benefits of regulation always outweigh the costs and risks to society. But this is a constant balancing act which can easily get out of kilter if the behaviours of one regulator are divorced from the cumulative impacts of the actions of other regulators in a complex and increasingly devolved UK-wide skills ecosystem.

This report provides the perceptions and experiences from the viewpoint of the regulated community of AOs and End Point Assessment Organisations (EPAOs). It sets out how the regulatory landscape has changed since 2014.

We hope its publication, and our members' insights contained within, will act as a spur for further dialogue and debate with both regulators and policymakers alike.

Tom Bewick
Chief executive, Federation of Awarding Bodies

Acknowledgements

Contents

Introduction

Awarding Organisations and End-point Assessment Organisations are encountering an ever more complex environment with challenges including the "Skills Bill" legislation; a review and likely the dismantling of Scottish Qualifications Authority (SQA) in Scotland; and significant changes already implemented and planned in Wales and Northern Ireland. This review explores whether escalating regulatory compliance requirements across the devolved nations are having an increasingly burdensome impact on the Federation's members, and what this might look like.

The starting point from which to reflect back upon is 2014: the year the Office of Qualifications and Examinations Regulation (Ofqual) removed its 'accreditation requirement'. The following summer saw the establishment in law of Qualifications Wales, with the Council for the Curriculum, Examinations & Assessment (CCEA Regulation) in Northern Ireland subsequently confirming in Spring 2016 that it would be separately regulating awarding organisations which offered professional and technical qualifications. Finally, the Institute for Apprenticeships (subsequently 'the Institute for Apprenticeships and Technical Education') arrived in 2017. As can be seen, seven years of substantial systemic change would inevitably have far-reaching impact on the skills eco-system, and those organisations working within it.

Over this same period, membership of the Federation has increased such that we now represent awarding organisations awarding 80% of certifications. The importance of our representative and collective voice is evident. We have necessarily adapted and evolved to reflect the needs of our membership: we have an active and engaged National Strategy Forum (NSF), through which this review has been conducted.

This report aims to illustrate the lived experience of how regulatory compliance impacts both strategic decision-making and operational day-to-day business in a qualitative, reflective and representative way, such that it may serve to provide pathways to improvement, be those improvements in process, in communication, in risk management or perhaps in the system itself.

Executive summary & recommendations: a 'co-regulated' future

❶ **A systemic review of how regulators work together across the UK, to ensure they maintain an appropriate and efficient level of regulatory burden in accordance with the spirit and intention of the commonly accepted principles of regulatory burden aligned to the Better Regulation model.** This should not only include consideration of whether the information the regulators independently or jointly obtain from those regulated is appropriate to the risks they are seeking to manage, but also whether they are doing this in a sufficiently fair, reasonable, balanced and proportionate way, in accordance with the size, type and risk of each regulated organisation. The current method of collecting Statements of Compliance should continue as a joint venture, and regulators should examine if there are other ways of regulating in a joined-up manner which is both effective for their own statutory obligations, but can in some way reduce the burden that is caused by duplicating similar activities.

The Federation stands ready to support and contribute to this review.

❷ **Clarity on regulatory purview is urgently required in England.** Without regulatory recognition, awarding organisations cannot effectively operate. The hierarchy of government agencies with a quasi or actual regulatory role remains unclear for organisations who are EPAOs and/or offer technical qualifications (PTQs/HTQs) and where these are publicly funded via the ESFA.

Despite declarations of effective and collaborative relationships, it remains unclear who may have 'final say' in a decision to approve, recognise and fund a qualification where it may meet one agency's criteria but not another. We may soon have statutory regulations enjoyed by the Institute which have the potential to set them on a collision with Ofqual for these reasons. *In seeking to simplify, this tension may serve to confuse and frustrate the system further and lower public confidence.

The Federation is keen to contribute to this discussion, and help the relevant agencies understand the unintended consequences and direct impact this direction of travel will have on those regulated.

❸ **Contextualised approach to regulation of awarding organisations by Ofqual.** This goes further than a variation in methods and types of data collection and audit. The General Conditions of Recognition (GCoR) and evident struggles Ofqual has been having to enable applicants for recognition to comply with their statutory framework (which was not originally devised for its current multiple functions), has resulted in a proliferation of additional 'qualification-level' conditions. Now, more than ever, the size and scope of organisations seeking to comply is hugely varied.

Whilst larger, long-established and complex organisations cope with the burden due to substantial resources and systems for risk management, the insight and skill of smaller specialist organisations means that they are able to be more agile and responsive.

However, limited resources inevitably result in the need to constantly prioritise, and a disproportionate amount of regulatory activity has an increasingly negative impact, not least financially.

A Corporate Plan (Ofqual), or strategic plans from Qualifications Wales (QW), CCEA Regulation or SQA, which continue to prioritise greatest risk, and with a backdrop of a contextualised approach (similar to that of Ofsted) may result in more useful regulatory activity, and a perceived sense of fairness and decrease in burden, protecting the marketplace for small but often crucial industries.

Ofqual seeks not to tell an AO 'how' to meet its Conditions, but if they are designed and implemented in such a way that a small AO cannot comply due to unreasonable cost required solely to meet a regulatory condition which renders them non-compliant in some way, this cannot be seen as reasonable or fair if – in every other way – they are offering valid qualifications, meeting the expectations of all stakeholders, and underpinning the skills needed within their sector.

A regulator should not be the reason an industry loses its specialist expertise, nor would they want to be, and such a situation must be managed. All regulators should have sufficient capacity and capability to be as close as possible to understanding the nature and type of organisation they regulate – the majority of which bear little resemblance to the General Qualifications market which is where Ofqual's expertise and experience mostly lies.

The Federation stands ready to explore this approach in detail with Ofqual to help them continue to meet their statutory obligations whilst better reflecting the complexity of different organisations they find themselves now regulating from 2022 onwards.

Scope of review

The Federation was keen that as many voices as possible within membership were heard and represented, with the line of enquiry specific and contained to avoid mission creep. This ensured that niche, smaller organisations with a specialist offer were sufficiently represented, as well as the more mass market or generalist AOs which offer a variety of qualification types, including EPAOs. This engagement took place through the Federation's National Strategy Forum (NSF), which has a remit to develop national policy positions and advise the FAB board on overall strategy. Every full member (of which there are currently 110) of the Federation is represented on the Forum.

The approach was UK-wide in terms of regulators in scope for this review, plus other government agencies and bodies with a quasi-regulatory role within the current system, the full list being:

- **Ofqual (England)**
- **Qualifications Wales**
- **CCEA Regulation (Northern Ireland)**
- **SQA Accreditation (Scotland)**
- **IfATE**
- **Education and Skills Funding Agency (ESFA)**

However, the majority of evidence submitted related to Ofqual because, as can be seen by the response to the survey questions below, it is the predominant regulator of the Federation's membership base, and thus is the reference point for much of the data gathered for this review:

Please select which regulators you are currently regulated by

Answered: 29 Skipped: 1
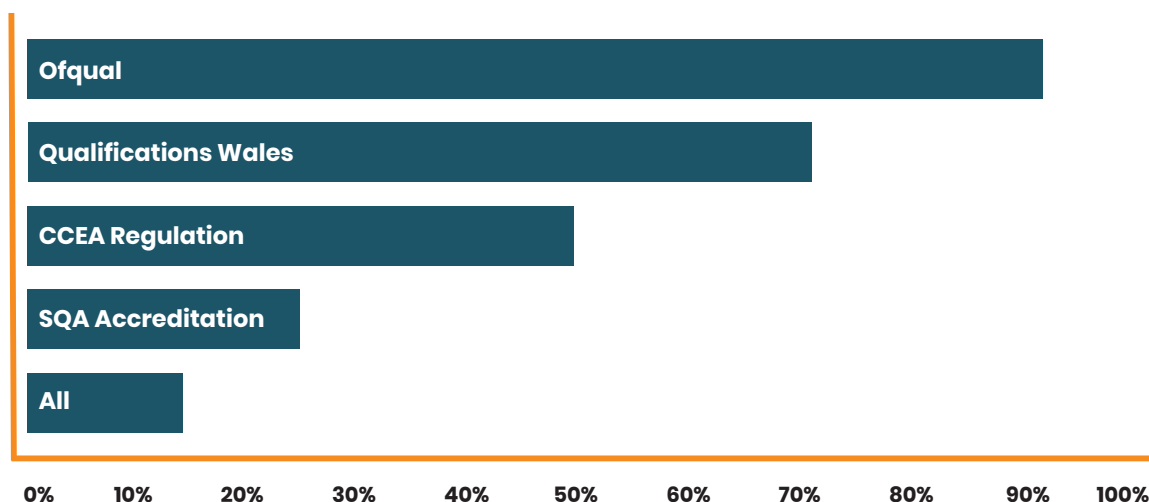
(fig. 1: response distribution to the Federation's survey question)

Although it is currently the home nation regulators who have a direct and statutory responsibility to recognise and regulate awarding organisations, the ESFA (for EPAOs) also enjoys some regulatory purview via its Conditions of Acceptance (ESFA, 2019) onto the Register of End-point Assessment Organisations (RoEPAOs), and is increasingly described as a regulator. The Institute sets out its Quality Framework for End-Point Assessment (EPA), compliance with which is confirmed via Ofqual, now the single external quality assurance partner in ascendance for non-degree apprenticeship standards.

Additionally, the Institute has ultimate decision-making and oversight of the content of technical qualifications and apprenticeship standards, and their role will continue to expand, once the Skills Bill becomes law in the summer of 2022.

For the purposes of this review, and as the collective voice for qualifications and assessment, all full members were included, so that the following qualification types were captured in terms of regulatory compliance:

- Vocational Related Qualifications (VRQs)
- Performance Table Qualifications (PTQs)
- Functional Skills Qualifications (FSQs)
- English for Speakers of Other Languages (ESOL)
- Essential Digital Skills Qualification (EDSQs)
- End-point Assessments (EPAs)
- Other Licence to Practise qualifications (LtPs)

Methods and approach

To ensure all voices were captured as far as possible, a multi-channel approach was adopted. A membership questionnaire was designed and distributed via the National Strategy Forum using Survey Monkey (see appendix 4 for survey questions), which went live week commencing 16th August 2021, closing on September 14th 2021. It attracted a positive response rate, meaning the valid threshold was met for external surveys of this kind, plus sufficient representation across the size and type of organisation that FAB represents:

- **40% of respondents were also an EPAO**
- **38% of respondents also had a requirement to comply with a licensing (professional) body/Royal College etc**
- **89% of respondents are regulated by Ofqual (either solely or in addition to another home nation regulator – the majority of which were QW)**

Two focus groups were held: one for smaller specialist AOs and professional bodies, the other for larger or more generalist AOs/EPAOs, plus those offering a wider suite of products such as PTQs, FSQs, as well as Vocational Training Qualifications (VTQs). A total of 18 organisations attended across both groups. These were predominantly plenary sessions with guiding questions to draw out experiences relating to both strategic and operational impact of regulatory burden; anecdotal examples of how regulatory activity impacts an organisation; plus recommendations for improvement and commentary on what works well.

To ensure all those attending had the opportunity to fully participate, the maximum number for both groups was intentionally small. The size and type of membership organisations was balanced and representative.

Finally, some individual conversations took place, which also provided useful specific examples of an AO's activity and experience directly relating to regulatory compliance (see appendix for AO data submission table as a direct comparison to Ofqual's own within its 2021 Regulatory Burden Impact statement (Regulatory Burden Statement, 2021).

What do the regulators say about regulatory burden?

All the home nations' regulators now have their own set of (General) Conditions of Recognition, or Regulatory Principles (SQA Accreditation). They may also have a subset of rules, requirements or further conditions for particular qualification types, their design, and more generally, about how to maintain ongoing compliance with these statutory regulations.

Whilst very similar, there are some key differences, unique conditions and, as a result, a risk for AOs of misinterpretation or oversight error. Recognition of this risk by the regulators resulted in publication of a 'key differences' document (Ofqual, 2020) for the main sets of conditions in England, Wales and Northern Ireland.

It is for every AO which is recognised by each of these regulators to not only be familiar with all such requirements, but also to be able to locate the accompanying documents and published guidance.

Every regulator requires an annual submission in some form from those they regulate in order to demonstrate ongoing compliance. For SQA Accreditation, this is an annual self-assessment return; for Ofqual, Qualifications Wales, and for CCEA Regulation, it is the Statement of Compliance (SoC).

During 2020 and 2021 of the pandemic, this SoC has been a single joint submission applicable for all three regulators, something that was widely welcomed. Previously, they have been individual and varied in their format and design. Additional information from each regulator was still required alongside the SoC itself.

Ofqual has Memoranda of Understanding with Qualifications Wales, CCEA Regulation and more recently the Institute. These are brief high level documents, explaining with good intent how the regulators might share information between themselves about those whom they regulate, plus advance notice of upcoming activity. Little is expressly stated in terms of duplication of effort in their shared endeavour, which would otherwise positively impact those AOs operating across jurisdictions, so it is difficult to see whether there is any knock-on benefit of these arrangements.

However, when explaining its scope and nature of regulation, Qualifications Wales does state:

> '*We work with other regulators wherever possible, bearing in mind the potential impact on awarding bodies that are regulated by more than one regulator;*
>
> *We carry out regulatory impact assessments as appropriate to assess the costs, benefits and risks associated with a policy or course of action*' (*Qualifications Wales, 2022*).

Worth noting here is the widespread positive feedback gathered in our review about Qualifications Wales, and its ongoing efforts to provide a sufficient level of guidance within a suite of resources designed to support AOs in meeting regulatory compliance.

How the regulatory landscape architecture has changed since 2010
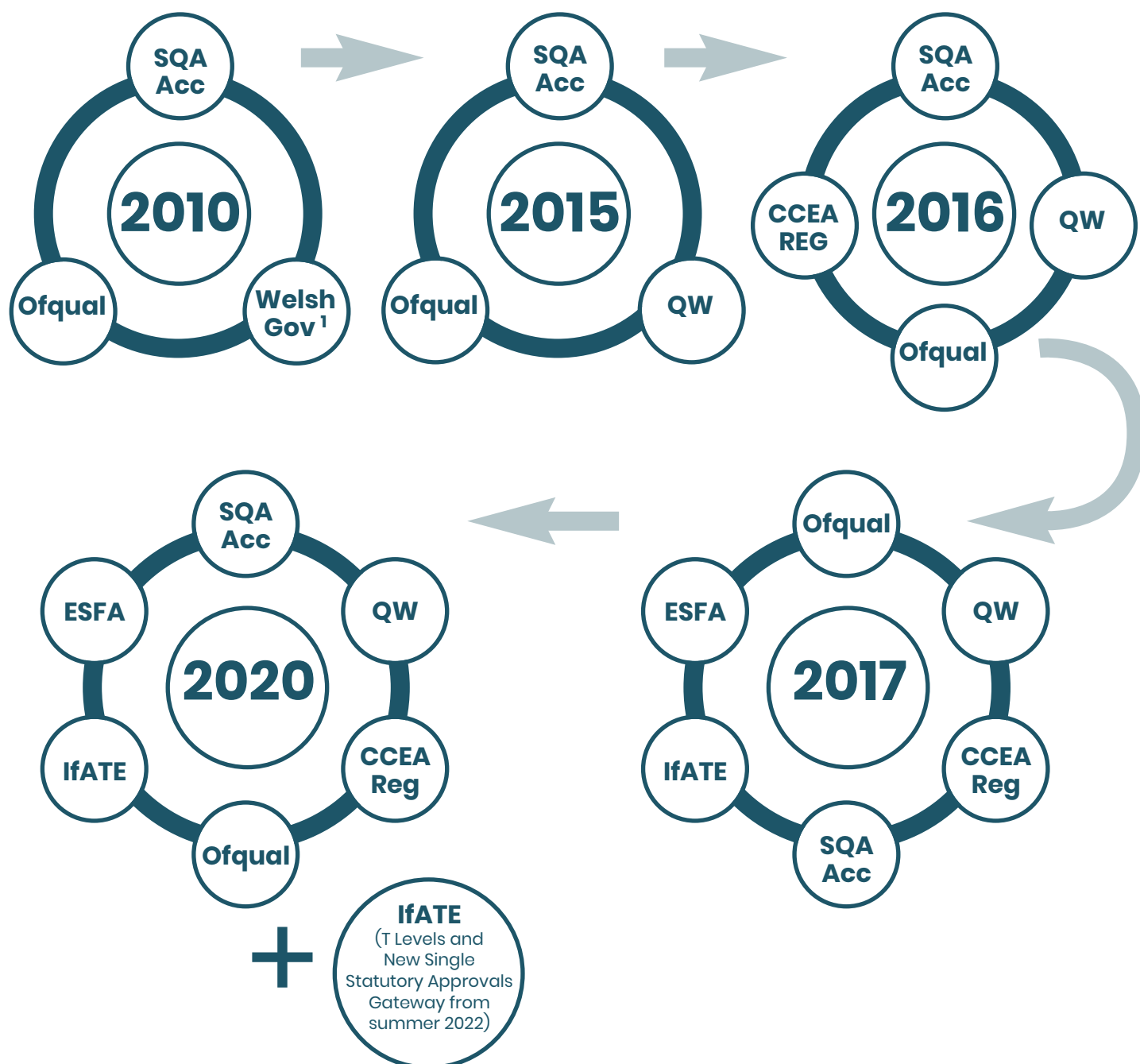
SQA Acc – Scottish Qualifications Authority Accreditation

QW – Qualifications Wales

CCEA Reg – Council for Curriculum Exams & Assessment Regulation

ESFA – Education & Skills Funding Agency

IfATE – Institute for Apprenticeships & Technical Education

[1] *Qualifications Wales was established in 2015, fulfilling the regulatory role previously undertaken by the Welsh Government.*

Why is it important to consider the burden of regulation?

In 2005, Philip Hampton published his report about the burden of regulatory inspection, which included some widely hailed principles for public and regulatory bodies to adopt (Hampton, 2005), listed in fig 2 below ('The Hampton Principles'):

Box E2: Principles of inspection and enforcement

- Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most;
- Regulators should be accountable for the efficiency and effectivenesss of their activities, while remaining independent in the decisions they take;
- All regulations should be written so that they are easily understood, easily implemented, and easily enforced, and all interested parties should be consulted when they are being drafted;
- No inspection should take place without a reason;
- Businesses should not have to give unnecessary information, nor give the same piece of information twice;
- The few businesses that persistently break regulations should be identified quickly, and face proportionate and meaningful sanctions;
- Regulators should provide authoritative, accessible advice easily and cheaply;
- When new policies are being developed, explicit consideration should be given to how they can be enforced using existing systems and data to minimise the administrative burden imposed;
- Regulators should be of the right size and scope, and no new regulator should be created where an existing one can do the work; and
- Regulators should recognise that a key element of their activity will be to allow, or even encourage economic progress and only to intervene when there is a clear case for protection.

(fig.2 "The Hampton Principles", page 13)

More recently, Ofqual confirmed that they pay due regard to the government's adopted 'Better Regulation' (BEIS, 2020) guidance when developing their Regulatory Burden Impact Assessment (Ofqual, 2021), wherein they state:

'We evaluate burden as part of regulation and as such our objective is not to remove necessary burden, rather to ensure that it is always exceeded by the benefits achieved through the measures we employ.'

It is now reasonable to ask the question: what are these benefits and who benefits from them, particularly in light of tangible increases in regulatory activity? The answers may lie in the stories

revealed via the vast data collections Ofqual has recently collected from our members, but which they have told us they struggle to access (organisational, rather than big thematic reports, available publicly).

Looking back at 2018's impact assessment (Regulatory Burden Statement, 2018), and comparing it directly with evidence provided for this review, it is clear that improvement somewhere is needed, particularly where Ofqual's self-evaluation is at odds with the findings of this review:

> **Point 7:** Making efficiencies to our process for expanding the scope of recognition for end-point assessment organisations. *We did this by not requiring awarding organisations to submit to us duplicate information already held by us.*
>
> **Point 8:** Introducing a post-audit survey to help us capture the impact of our audits on awarding organisations. We used the information to help us refine our audit process. *For example, we have increased the number of working days required for awarding organisations to respond to our requests for information.*

Summary of effects of a dynamic regulatory landscape on awarding organisations' strategic and operational demands

Once Ofqual lifted the accreditation requirement in 2014, the standard expectation for regulatory intervention for AOs offering vocational qualifications in England (apart from ensuring that qualifications appeared on the LARA for funding purposes (Skills Funding Agency, 2014) and were embedded perhaps within an apprenticeship framework), was selection for a thematic audit; quarterly data returns, and, from that point forward, the annual SoC.

However, by 2021, AOs regulated by Ofqual; EPAOs (currently represented by almost 50% of full members); and AOs offering Applied General or Technical Qualifications, (Annual Qualifications Market Report, 2021), with FSQs in their portfolio (presently 19) have been obliged to undertake the following ongoing demands:

Ofqual (via the Portal/Hub); Qualification Wales and CCEA Regulation multi-channel contact	ESFA for EPAO recognition	Other (IfATE/Department for Education)
Annual SoC	Complete online registration process, including accompanying evidence	Separate application to be approved to offer PTQs (which also includes Ofqual review)*
Increase in scope of recognition (each new standard/ qualification type); requires technical evaluation of assessment material in many cases (Ofqual); QW has separate requirements for designation and approval of qualification types	Additional EPA/standard applications – similar process, repeated requests for previously submitted information *(which have occasionally been requested again by Ofqual if a technical evaluation is required)*	External Quality Assurance (EQA) "readiness" checks for new standards;
Multiple data submissions and ad hoc B4 Notices/requests for information**	Annual confirmation/ declaration of registration conditions	Audits from multiple EQA bodies (soon to be solely Ofqual) for EPA on behalf of the IfATE
Selection into thematic audits	Renewal process for funded qualifications (ALL/AEB etc – for where an AO offers funded products)	IfATE Level 4/5 approvals (HTQs)
Event notification entries		Level 3 approvals criteria and application process for funded qualifications (Skills Bill) upcoming
Knowledge of/compliance with some of the further **56 Regulatory Documents (all combined regulators)** depending on Scope of Recognition and portfolio		Voluntary response to various consultations – DfE and regulators (Ofqual consult at two levels: policy and technical implementation)

*2021 saw a continuing moratorium on new applications; this remains open for existing qualifications wishing to continue and for amendments to current PTQs   **See appendices 2 and 3 for detail on specific data collection frequency*

The major strategic challenges over the last couple of years relate to financial investment, particularly when directing resources dedicated specifically or predominantly to regulatory compliance, to which these quotes from focus group attendees attest:

> *'In seven years we have gone from 6 people in the whole organisation to an org [sic] with a dedicated compliance team with a headcount cost (non-rev generating) of £150k since 2020'*
>
> *'We have had to complete extra recruitment in the last 18 months and wholesale review of compliance team – still looking to recruit a senior compliance team member and an apprentice; everything feels reactive; we have also recruited two additional data officers to meet and manage the increase in returns and deadlines'*

Unsurprisingly, requests for departmental expansion is often a "hard sell" commercially, as these roles are not typically revenue-generating, but remain as fixed direct costs. Other additional resource investment comes in the guise of systems or processes to support data extraction and reporting. Feedback captured on this aspect from focus groups is summarised below:

- Smaller AO(s) explained that they are unable to invest in big CRM or SaaS systems, so that when data requests are incoming, there is a cost in manual time needed to trawl through (and clean) data; this leads to additional risk of human error
- Where such a system has been purchased, it can take many months to build, and complete rigorous User Acceptance Testing etc; additionally, changes in data requirements/new short turnaround requests require further time and expense to change workflow parameters. Example given: since investing in a new system in 2018, it takes circa 3-4 days for each new report (including 'ticket submission' where applicable, plus time for staff and stakeholder training).

Survey results and thematic findings

The survey was launched week commencing August 16th 2021, and closed on 14th September 2021. It contained 15 questions, and respondents were primarily senior executive level and/or Responsible Officers; other respondents were heads of departments with responsibility for compliance.

The headline emerging themes were the increasingly heavy ongoing financial and time investment required for meeting regulatory requirements: day-to-day compliance activities, responding to ad hoc requests from regulators, frequency and granularity of data reporting, plus the secondary costs of updating workflow reporting systems (where in place), and the associated training, guidance and communication to users.
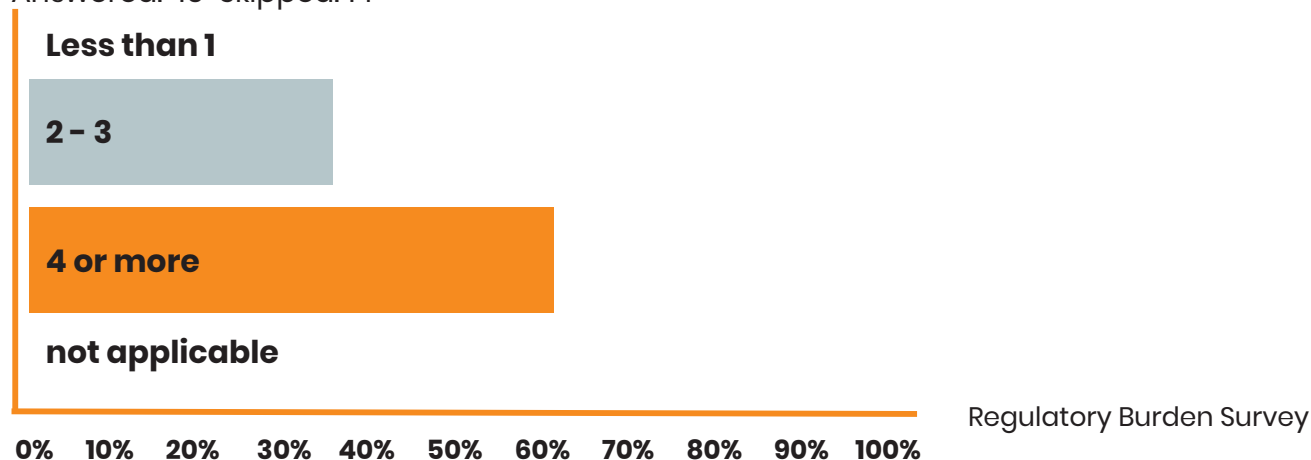
What does regulatory compliance cost?

When defining what might be a reasonable balance of expenditure with compliance activity, organisations showed both individual and organisational tacit knowledge and perception of what is considered 'reasonable'. A starting point were the questions about time spent on this activity in hours per week, or days per month:

And approximately how many hours per week do you think you might be spending on day-to-day regulatory compliance activity?

Answered: 16 Skipped: 14

Less than 1

2 – 3

4 or more

not applicable

0%   10%   20%   30%   40%   50%   60%   70%   80%   90%   100%

Regulatory Burden Survey

Or approximately how many days per month do you think you might be spending on day to day regulatory compliance activity?

Answered: 19 Skipped: 11

Less than 1

3 – 4

5 or more

0%   10%   20%   30%   40%   50%   60%   70%   80%   90%   100%

Regulatory Burden Survey
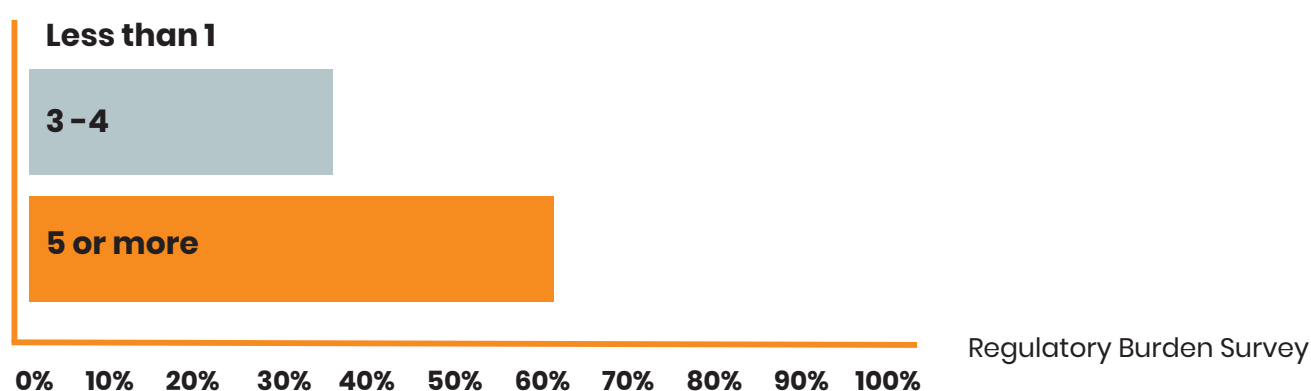
This question did not seek to understand whether these time periods were historically representative for the organisation, or as a direct result of the impact of the pandemic. However, when 64% spend five or more days coupled with the question on costs, a clearer picture on this impact emerges. Where organisations responded by providing an actual figure spent per month on regulatory compliance (45%), responses ranged from £500 to upward of £12,000, with the average being £4618 per month.

Therefore, a very conservative annual estimate across the full membership appears to be in excess of £6 m spent on meeting regulatory compliance. However, in all likelihood, the reality may be well in excess of this number when including those AOs currently outside membership and/or members of the Joint Council for Qualifications (JCQ), for whom regulatory compliance in General Qualifications goes wider and deeper.

It is also important to note that the numbers provided conflate proportion of an employee's salary directly responsible for this activity (where included, which was minimal), with the extraordinary circumstances which have seen costs temporarily rise, such as spending on additional workflow reporting and summer awarding. For example:

> *'It is difficult to put a cost on this due to multiple people being involved within our organisation and due to the ad hoc nature of the requests that are made across the VTQ and EPA landscape. Each month is different, however, as a minimum I think regulatory compliance costs our organisation £3,000 + per month. Over the last 18 months this has been significantly higher, probably £10,000 + whilst dealing with the multiple consultations, the changing emergency/contingency frameworks, flexibilities, teacher assessed grades and the requirements for enhanced quality assurance activities'* (*AO respondent providing VTQs, EPAs and PTQs*)

In summary, if we were to collect information solely on our members' payroll costs relating to roles responsible for quality, standards and regulatory compliance in addition to the above, we can begin to see that the cost of maintaining regulatory compliance will far exceed the £6 m estimate.

Returning to Ofqual's 2021 impact assessment, and the backdrop of COVID-19, (Ofqual) *'had to consult and then determine new regulatory frameworks to allow for the very different circumstances for assessments and examinations this year. As such, we issued outcomes for 10 consultations for VTQ and General Qualifications (GQ) between 24 April 2020 and 25 February 2021.'*

The above statement is sufficiently indicative of the increased level of AO activity where, as a result of these consultation outcomes, AOs reacted to the pandemic:

- **in determining and adjusting operational priorities**
- **by publishing multiple communications and guidance to affected centres and learners**
- **by updating or creating new processes to tight deadlines with a backdrop of possibly furloughed staff, concerned centres, parents and students**
- **creating flexible assessments, accompanying resources and facilitating appeals for Centre Assessed Grades (CAGs) and Teacher Assessed Grades (TAGs) where applicable**
- **all the while maintaining business as usual in different/remote working environments and**
- **managing transition through two emergency frameworks to a third ongoing contingency Vocational and Technical Contingency Regulatory Framework.**

Additionally, April 2020 saw Ofqual's Extended Regulatory Framework consultation, and the Federation conducted its own survey to support this: of 43 AOs who responded, 75% estimated that the cost of the development and delivery of assessment and awarding arrangements for the Extraordinary Regulatory Framework (ERF) would cost at least 25% more than business as usual.

These costs, both potential and actual, were mostly hidden from public view and understanding, but were estimated to be in the region of £16 m, for which a request to the DfE was made to support this pillar of the education system, similar to the support which was made available elsewhere to schools and other providers (letter to Sue Lovelock, DfE 22nd May 2020).

Size matters...to some

A persistent theme was the frustration with the 'one size fits all' approach to regulatory compliance. This was described in several ways, often by smaller organisations who are appearing to struggle to maintain business as usual in small specialist teams, whilst attempting to meet complex regulatory requests and requirements within a landscape in a permanent state of flux.

An awareness already exists in the sector of the emerging duality of regulation between Ofqual and IfATE, particularly because the Skills Bill Impact Statement (Department for Education, 2021) itself reveals that changes to the regime will disproportionately affect smaller AOs:

> *'Understanding and keeping up to date with changing regulation along with policy changes – future reviews and all other aspects is a full time job for the Head of Compliance and RO – it is difficult to get the traction in a smaller AO where people cover many different aspects within the business – and cascading and ensuring understanding through the business is difficult – especially when even through pandemic – there were 3 reviews from Ofqual and a commission we had to do… along with CASS – this is all just 5 people.'*
>
> *'We are a small organisation and the costs of working with more than one qualification regulator were prohibitive. As a result, we surrendered Recognition in Wales and NI.'*
>
> *'In the past we were regulated by CCEA but as we did not have a big enough customer base for that region we decided to withdraw from them as it was too much meeting the needs of all four regulators. Also in the past we have considered withdrawing from other regulators but have we currently have the customer base so this continues to be monitored.'*

This theme was also apparent in focus group discussions when considering 'could the regulators take an approach similar that of Ofsted, i.e. contextualised to the organisation and type of regulation required, dependent on their portfolio'. A small specialist professional body, offering a single qualification type within a specific sector, patently struggles to meet, and experiences limited value from, the level of scrutiny to which a larger, more generalist AO is equally subjected:

> *'… as a small AO with additional regulatory burden outside of what current resource can cope with, external support is brought in. An example would be CASS where we have just spent £10 k on external consultants'*

It will be argued that the General Conditions of Recognition (Ofqual, CCEA Regulation, Qualifications Wales, QW) are the minimum requirements, and applicable to all, with additional qualification-level conditions for those with wider portfolios. However, all three regulators now have extensive lists of additional regulatory documents which are all currently in force, and applicable to AOs depending on the qualifications they currently offer – a further forest to navigate and manage:

'The varying conditions and approaches of the three regulators (e.g. six documents and multiple Ofqual conditions dealing with certificate and logo requirements scattered across multiple websites, is just one small example), particularly where these are not made clear in the conditions . . . The current three country regulatory compliance in general is currently not only complex and high-maintenance but also high-risk with the sanctions that Ofqual, QW and CCEA can individually impose, potentially for the same non-compliance . . . There are benefits to regulation, but smaller AOs are likely to find it increasingly difficult to justify, particularly professional and chartered bodies which already have an established reputation in their individual sectors for delivery of professional educational development'

When challenged to accommodate a more reasonable understanding of the impact and pressure of a typical specialist AO keen to remain compliant with Ofqual data requests, the response came: 'Each regulated awarding organisation is required to ensure that it has the capacity to undertake the development, delivery and award of qualifications which it makes available, or proposes to make available, in a way that complies with its Conditions of Recognition, and takes all reasonable steps to ensure that it undertakes the development, delivery and award of those qualifications efficiently (A5.1)'" (Ofqual written response dated 21/9/21 to the Federation's data burden letter).

Of course, this is well understood, but the condition offers no insight, such that the subtext might imply '. . . regardless of size or context . . . '. For example, a manual data entry which takes this AO longer than a published deadline, may inadvertently render them non-compliant due to their size and resources, which in all other ways are completely appropriate for their business.

Moving from this specific operational concern to a more strategic risk, the Regulator's Code (Regulators' Code, 2014, p3) (1.3), insists that (regulators) '. . . have the necessary knowledge and skills to support those they regulate . . . '. Needed not just in the abstract, but specifically from regulators in a vocational and technical context in terms of professional experience and capability: concerns exist about these skills gaps at Ofqual particularly.

The recommendation of a contextualised approach was strongly urged, with the example of Ofsted's inspectorate coming from former teachers and those with classroom/lived experience, providing confidence, authenticity, and greatest understanding. Concerns remain about the Ofqual VTQ directorate being largely staffed by those only holding GQ service and experience, and/or non-AO direct experience.

Communications and service level expectations

Communication

The proliferation and frequency of communications from regulators, and the cost in terms of time spent managing and triaging such, was the most common talking point across all channels during this review.

Additionally, the inequity of the communication 'relationship' was particularly troublesome, when extended and unexplained delays from Ofqual stretched from weeks to months.

Finally, the different communication methods used by regulators were sometimes problematic, resulting in the overriding behaviour across AOs as a 'stop everything' reactive approach upon receipt of a regulatory communication.

The SQA Accreditation model of a dedicated account manager was seen as positive, particularly relating to responsiveness. Qualifications Wales mostly communicates via email to the named Responsible Officer so was seen as an occasional risk if they were not accessing email. CCEA was described as 'ad hoc', and Ofqual communicates via its dedicated Portal.

This latter approach appears to confirm the perception of increased communication traffic. Albeit for a good cause (ensuring individuals are alerted via email to a Portal notice), the frequency has increased manyfold, leading to disrupted days – the 'stop everything' approach – as the recipient must check the Portal, determine the risk and relevance associated with their organisation, then decide on appropriate action.

> *'In the time that I have been managing … correspondence from the Regulators the burden has increased significantly for Awarding Organisation but also (and in some ways, more importantly) our Centres. Our Centres can be recognised with multiple Regulators with different requirements and they are struggling . . . There are far more requests to do things from the Regulators (I keep a log - in 2016 we had 27 letters and we have had 42 so far this year, which if pro-rated, will be a 50% increase.')*

This is further compounded when there are multiple Portal alerts relating to a single issue: a recent example provided was the Portal sending 'Version 12' of a specific message ' . . . creates a culture fearful of missing important information'.

However, it was also noted that responses to general queries originating from AOs raised via the Portal were fairly timely (an example was approximately 72 hours on average).

Service level expectations

Multiple anecdotal examples were provided in detail on the perceived imbalance of communication expectations where Ofqual (and only occasionally other regulators):

- habitually requests meetings at short notice
- requests information (either speculatively or individually under Condition B4) with a short turnaround of 3-5 days on average
- Publishes frequent consultations* (the equivalent of one per month currently), although many of these were recognised as a statutory tool

(*On the matter of consultations, the survey revealed that only 20% of respondents always responded, with 58% quoting time constraints as a reason for not responding)

When AOs instigated formal communications (most examples related to scope of recognition increases or audit outcome reports), acknowledgements, responses to progress update enquiries and decisions all stretched into weeks and months without reasonable explanation.

Without published Service Level Agreements (SLAs)s there is no breach, only a perceived lack of fairness and accountability, plus concerns about capacity and capability within Ofqual possibly caused, ironically, by the increase in regulatory activity.

> *'The process of gaining expansion of scope for new EPA standards with Ofqual takes on average 3-4 months, this is hampering our business as we are unable to market standards which we have gained IfATE/ESFA approval for until this process is completed with Ofqual.'*

The regulators rely on the continued cooperation of those whom they regulate, and have said as much, so it would seem that a better balance could be struck, or at least more transparency provided as to the cause of such lengthy delays.

It's not all bad...

The purpose and scope of this review was to explore and understand the increasing impact of regulatory burden on AOs, and the evidence provided in this report should give regulators much to ponder.

However, it is recognised that robust and meaningful regulation continues to be important for public confidence in the qualifications system across the UK, and for ensuring high quality of standards for employer confidence across the apprenticeship landscape in England:

> *'We are currently working solely with SQA as our regulator, but will be investigating what benefits working with other regulators will bring to us in future. Currently, we have a very healthy working relationship with SQA and find that we align quite naturally to their Regulatory Principles. Any additional work falling out of monitoring visits or audits is work that is beneficial and seen as part of our continuous improvement activity.'*

To that end, and determining what works well, and what an improved regime might look like, the following comments are representative of common themes:

- '*We find the current level of communication and processes with the regulators to be manageable. For example, the sharing of Event Notifications with other regulators such as Qualifications Wales and CCEA, via the Ofqual Portal, is very useful*'

- '*We've found that there have been a number of improvements in collaboration across the different regulators, e.g. combining SOC. However, different definitions and terminology of the various regulators can [be - sic] and has been at times problematic*'

- '*For the regulators to continue with further collaboration and sharing of data. For them to be conscious of setting tight deadlines for certain returns or meeting attendances. As a small AO, this has caused us resource challenges*'

- '*It would be easier if all information emanating from and to the various regulators be streamlined and consolidated. Providing the same information/similar information is time consuming* '

- '*Rules and regulations are absolutely necessary particularly when you are working in the Animal care sector . . . Changes made without consultation do frustrate the ongoing business. We are in strange times and have learnt through stealth and cooperation how to overcome barriers*'

- '*Truly co-ordinated and consistent three country regulation. Principle-based regulation with each AO nominated a knowledgeable and approachable account manager as a point of contact for all queries (essentially the SQA Accreditation model) . . . A more inclusive, pragmatic but still very robust approach*'

In summary, the message is to continue and expand a more coordinated approach across the devolved nations, particularly in relation to seeking solutions around the sharing of data, and using such information in line with the principle of avoiding duplication of effort.

The future regulated landscape

Substantial change is on the horizon once more with the Skills Bill legislation which, once passed, will see radical changes to the qualifications landscape for qualifications at and below level 3; changes in ownership of HTQ intellectual property, and an increase in IfATE's powers of marketplace approval and control, plus regulation of AOs offering technical qualifications.

There are serious implications for AOs already recognised by policy makers, as can be seen from the Skills Bill impact statement:

> *'Both Ofqual and the Institute have key roles to play in assuring the quality of technical qualifications. But the* **current statutory framework for approval and regulation of technical qualifications has scope for unnecessary duplication, and inconsistency between the two bodies with potential impact on the quality of the qualifications and the burden on AOs. With the extension in the scope of the Institute's approval powers in this Bill, the risks of duplication and inconsistency are increased.'** *(para 403)* (Department for Education, 2021, p141)

Add this to Ofqual's statement from its own 2021 regulatory burden statement, which warns:

> *'Reforms to post-16 technical education and training, …), announced by government means that Ofqual is reforming the way we regulate VTQs.* **We anticipate we might introduce burden through new conditions designed to support the reforms …'**

Both parties are keen to not only lay claim to the regulatory space, but seek to confirm their unique footprint, as has been attempted by their joint statement (FE Week, 2022) in relation to these reforms.

The Institute has also sought to explain in a linear fashion what this relationship between agencies will look like:

> *'Ensuring the quality of qualifications alongside A levels and T Levels will bring together Ofqual, IFATE and DfE:*
>
> - *The Skills and Post-16 Education Bill will embed the collaborative relationship between the Institute and Ofqual for technical qualification approval and regulation.*
> - *The Institute will lead an approvals process for technical qualifications, setting criteria for the various technical qualification categories.*
> - *DfE will set criteria to ensure all qualifications approved for funding are necessary alongside A levels.*
> - *Ofqual will advise DfE and IFATE on quality.*
> - *The Education and Skills Funding Agency will set the funding criteria which a qualification must meet once it's been approved by the Institute'* *(IfATE and DfE, 2021*

Time will tell, but what is in no doubt will be the increase in expenditure, as well as in regulatory burden. Approval fees chargeable by IfATE to AO applicants may be a combined total of between c.£309,000 - £839,000 annually according to estimated ("best guess") figures.

The Federation has already made plain our concerns via a published brief:

'Ofqual was established as an independent regulator following the Apprenticeships, Skills, Children and Learning Act (2009). This legislation introduced an independent regulator following a period of scandals and instability in the regulation of the qualifications and examinations system. The Institute will be playing a regulatory role despite reporting directly into Ministers, undermining the principle of independent, robust regulation for qualifications established in 2009.

'The Bill potentially introduces a material conflict of interest with the Institute being both an owner/provider of technical qualifications (T Levels), as well as a regulator with powers to decide which technical qualifications can be granted approval for public funding purposes. This would turn the Institute into both a market participant and a market regulator of technical qualifications (by deciding which qualifications can operate in the marketplace).

'Conversely, at a time of great uncertainty for SQA, following publication of the Muir Review and the Scottish parliament's adoption of all recommendations, our members have reported positively on the regulator's work with them during the pandemic, and the flexibility of the 'principles based' regulatory approach enabled them to agree and implement solutions that helped progress learners in the most difficult of circumstances.'

Summary and next steps

It is not hard to imagine serious long term consequences if we do not get this regulatory eco-system right. We should also collectively protect the awarding industry and ensure that a career in the qualifications and exams system is rewarding as well as challenging. Working with a backdrop of regulatory compliance need not feel overwhelming or complex, but well understood and achievable. The Federation has been developing such a career framework, and any accompanying training and development curriculum should have the benefit of input from regulators to ensure that expertise and sufficient understanding of regulation is not simply passed down through osmosis or happy accident within organisations.

We are keen to reframe the conversation, and collaboration is key to a positive move forward, as is a future of co-regulation. We were pleased to hear a shift from Ofqual recently at our conference in November 2021, where the new Chief Regulator for Ofqual, Dr Jo Saxton, made her first public speech, emphasising in particular:

'Where you work proactively with us, we can do our bit to make sure that our approach to regulation is right, that it is in the interests of students . . .So I start my tenure recognising the pivotal role Ofqual must play in facilitating innovation, collaboration and driving up quality. We will continue to explore and use effective co-regulatory approaches . . . I encourage awarding organisations to discuss challenges and solutions, not only with us, but with each other; to address risks, define good practice. Let's do that together.'

Let's. And let this report be the catalyst to start those meaningful and positive steps forward, beginning with our three recommendations for a more effective regulatory regime for the awarding eco-system.

References

BEIS . 2020. Better Regulation Framework. [online] Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/916918/better-regulation-guidance.pdf

Department for Education, 2021. Skills and Post-16 Education Bill. [online] Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028639/Skills_and_Post16_Education_Bill_-_Updated_Impact_Assessment.pdf

Department for Education, 2021. Skills and Post-16 Education Bill, p141. [online] Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1028639/Skills_and_Post16_Education_Bill_-_Updated_Impact_Assessment.pdf

Department for Business, Innovation & Skills 2014. Regulators' Code, p3. [online] Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913510/14-705-regulators-code.pdf

ESFA, 2019; 2021 Conditions for being on the register of end-point assessment organisations. [online]
Available at:
https://www.gov.uk/guidance/conditions-for-being-on-the-register-of-end-point-assessment-organisations

FE Week. 2022. Ofqual and the Institute are united across their distinctive roles. [online] Available at:
https://feweek.co.uk/the-skills-bill-reaffirms-the-distinctive-roles-of-ofqual-and-the-institute/?mc_cid=a64c82cbf6&mc_eid=95b86f10fb

Hampton, P., 2005. Reducing administrative burdens: effective inspection and enforcement. p.13. [online]
Available at:
https://www.regulation.org.uk/library/2005_hampton_report.pdf

Institute for Apprenticeships & Technical Education and Department of Education, 2021. Implementing the post 16 qualifications review for level 3 Technical Qualifications. [online] Available at:
https://awarding.org.uk/wp-content/uploads/2021/11/IfATE-Post-16.pdf

Ofqual, 2021. Regulatory Burden Statement . [online] Available at:
https://www.gov.uk/government/publications/ofquals-regulatory-burden-statement/regulatory-burden-statement-april-2021

Ofqual, 2018 . Regulatory Burden Statement – Updated 2021. [online] Available at:
https://www.gov.uk/government/publications/ofquals-regulatory-burden-statement/regulatory-burden-statement-2018

Ofqual, 2021. Annual Qualifications Market Report : 2019-2020. [online] Available at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960952/Annual_Qualifications_Market_Report_academic_year_2019_to_2020.pdf

References CONTINUED

Ofqual, 2020. Conditions of Recognition: Main differences at a glance. [online] Available at: **https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/9231 84/Conditions_of_Recognition_-_main_differences_at_a_glance.pdf**

Skills Funding Agency. 2014. Learning Aim Reference Application Updated 2015, [online] Available at: **https://data.gov.uk/dataset/c016ef31-e656-47f9-b48e-ebe9f5128f55/learning-aim-reference-application**

Qualifications Wales, 2022. Qualifications Wales / Who we are. [online] Qualificationswales.org. Available at: **https://www.qualificationswales.org/english/about-us/introduction/who-we-are/**

Appendices

APPENDIX 1

Comparison of awarding organisation activity 2020 to 2021, 2019 to 2020 and 2018 to 2019 (taken from Ofqual 2021 Regulatory Burden Statement

https://www.gov.uk/government/publications/ofquals-regulatory-burden-statement/regulatory-burden-statement-april-2021)

Assurance activity	2020 to 2021	2019 to 2021	2018 to 2019
Recognition decisions	203	84	100
EPAO recognition decisions	149	N/A	N/A
Monitoring preparation for and delivery of GCSE, AS and A level qualifications (number of exam boards)	Requirements differ due to coronavirus (COVID-19) pandemic	4	4
Monitoring preparation for delivery of vocational & technical (including applied general) qualifications in performance tables (number of awarding organisations)	Requirements differ due to coronavirus (COVID-19) pandemic	20	20
Ensuring the maintenance of standards – data collection and analysis for GCSE, AS and A level qualifications (number of exam boards)	Requirements differ due to coronavirus (COVID-19) pandemic	4	4
Ensuring the maintenance of standards – data collection and analysis for vocational & technical (including applied general) qualifications in performance tables (number of awarding organisations)	Requirements differ due to coronavirus (COVID-19) pandemic	20	20
Data readiness reviews (number of awarding organisations)	16	N/A	N/A

Compliance / reform/ BAU activity	2020 to 2021	2019 to 2021	2018 to 2019
Audit visits	Nil	32	31
Technical evaluation - End Point Assessment (number of awarding organisations)	27	18	18
Technical evaluation - Essential Digital Skills Qualifications (number of awarding organisations) *Small number of AOs BUT 4 stage evaluation to sign off*	7	8	N/A
Investigation visits	7 (remote)	3	3
Submit Annual statement of compliance	157	161	156

Regulatory action activity	2020 to 2021	2019 to 2021	2018 to 2019
Direction	Nil	Nil	2
Special Conditions	8		
Fines	Nil	3	3
Undertakings	4	7	9

Others	2020 to 2021	2019 to 2021	2018 to 2019
Consultation decisions	14	11	11
Information notices requiring a response B4 directly to an AO	132	127	47
Information requests requiring a response difference with the above?	205	245	227
Research publications	17	19	17
Scheduled data collections	85	51	49

APPENDIX 2

Example of activity from January 2021 directly associated with servicing meetings, regulatory data and information requests (from an Ofqual "Top 50" awarding organisation with EPAO status and offering PTQs)*

Data/ Information Request	Date	Comments
Data readiness review	Jan 21	Questionnaire
Data readiness review meeting	Feb 21	6 hour meeting
Data readiness report	March 21	Review report and provide feedback
Appeals in VTQ 2018-2020	21st Jan 21	Ofqual
Standard qualification fee	4th Feb 21	Ofqual
EPA outcomes: March	9th March 21	Ofqual
EPA flexibilities – component level: March 2021	16th March 21	Ofqual
EPA flexibilities – qualification level: March 2021	16th March 21	Ofqual
VCRF categorisation 2021	22nd March 21	Ofqual / CCEA
Monitoring of Vocational and Technical Qualifications B assessment functioning – performance table qualifications	29th March 21	Ofqual
Monitoring of Vocational and Technical Qualifications C qualification results – performance table qualifications	29th March 21	Ofqual
Monitoring of Vocational and Technical Qualifications A assessment results – performance table qualifications	29th March 21	Ofqual
VQ certification 2021 Q1	8th April 2021	Ofqual and QW
VTQ data forum	May	Ofqual
BA audit	June	Open Awards
PTQ results progress	Collected weekly from May - August	Total of 13 collections, managed manually
VQ certification 2021 Q2	7th July 21	Ofqual and QiW
VTQ summer outcomes – level 3 qualifications	26th July 21	Ofqual
VTQ summer outcomes – all qualifications excluding level 3	28th July 21	Ofqual
Categorisation of qualifications and explainer tool	11th March 21	Ofqual B4 notice
PTQ exams timetable data collection	27th July 21	Ofqual B4 notice for AOs offering timetabled assessments
PTQ results progress data collection	April 21 August 21	Ofqual request for feedback on templates
FOI request for complaints data	August 21	Ofqual
Sector advisor requirement	August 21	EPA – Assessor Coach/ Learning Mentor
FMS audit	August 21	Ofqual
CSP EPAO forum	Sept 21	Ofqual survey
PTQ outcomes and other assessment information	Sept 21	Ofqual Please see below
VTQ Autumn/Winter 2021/22 assessment opportunities	Sept 21	Ofqual request for feedback on templates
PTSO EPA audit	Sept 21	Ofqual
PTOM EPA audit	Sept 21	Ofqual
VTQ data forum	Sept 21	Ofqual
VQ certification 2021 Q3	October 21	Ofqual and QiW
VTQ data forum	Nov 21	Ofqual
EPA EQA reconciliation	Monthly	IfATE
EPA data return	Monthly	People 1st

Does not include Ofqual's additional requests in September 2021 for PTQ Appeals data

Vocational Contingency Regulatory Framework (VCRF) – specific

- Consultation meetings – March 21
- Decisions following consultation – March 21
- Run through VCRF requirements – March 21
- Update to VCRF conditions – correct errors March 21
- Quality assurance arrangements for TAGs – April 21
- VTQ consultation launch arrangements 21/22 – July 21
- VCRF 2021/22 decisions confirmed – August 21

VTQ proforma for PTQs

- Request for meetings with short notice (24 – 36 hour) (multiple)
- Proforma data for 21/22 – Jul 21 (multiple communications)
- Arrangements for assessment and awarding of PTQs in 2021/2022 – multiple communications July/ August 21

APPENDIX 3

Ofqual 2022 PTQ data collection

Collection date		Templates	Data Coverage
17 March 2022		Assessment reference information Qualification registrations and outcomes Assessment outcomes Assessment grade boundaries Qualification grade boundaries	Registrations made/ results issued **and provisional results to be issued:** 1 September 2021 to 31 March 2022
2 August 2022	Assessment reference information Qualification registrations and outcomes Assessment outcomes Assessment grade boundaries Qualification grade boundaries	Registrations made/results issued **and provisional results to be issued:** 1 September 2021 to 31 August 2022	
30 September 2022	ïOther assessment information Modified papers	Registrations made/ **final** results issued: 1 September 2021 to 31 August 2022 (full academic year)	
		Assessments taken: 1 September 2021 to 31 August 2022 (full academic year)	

Survey Questions

1. Please select which regulators you are currently recognised by in offering/awarding qualifications: *(drop down selection – Ofqual, Qualifications Wales, CCEA, SQA, all)*

2. Are you an end-point assessment organisation registered with the ESFA? *(Yes/No)*

3. Do you currently offer performance table qualifications (PTQs) and/or technical qualifications within a T Level in a school or college setting? *(Drop down selection – PTQ, T Level, both, not applicable)*

4. Do you offer Functional Skills Qualifications? *(Yes/No)*

5. Do you offer Essential Digital Skills Qualifications? *(Yes/No)*

6. For any of your current qualifications available, are you required to have additional endorsement or accreditation from a professional standards body, or a governmental department licencing scheme? *(Yes/No)* plus *TEXT BOX: Please briefly explain who the endorsement is from and why it is needed, for example, 'licence to practise'*

7. Thinking about your strategic engagement with regulators, who is responsible for reading, disseminating and responding to external consultations (for example, Ofqual's recent consultations on regulatory frameworks for COVID-19)? *(Single point of responsibility, Responsible Officer, team/variable)*

8. Thinking about these consultations, of those directly applicable to your organisation, do you respond to them directly (not including feedback you may provide to the federation, which always provides a representative response): *Drop down selection – Always, Sometimes, Never?*

9. If you responded, 'Sometimes' or 'Never', please select a reason for your answer to Question 7: *(drop down selection – ALL THAT APPLY – Level of relevance to my business, Time constraints, Don't always understand the context or impact, Rely on the federation's response, Other (FREE TEXT BOX))*

The following questions relate to the cost of meeting regulatory requirements. This means activity that you might not otherwise be doing in a specific way in the normal running of your business. We are seeking your perceptions of the operational impact that specific activities such as reporting, audits, data and workflow analysis requested from regulators have on your business. We are also interested in the cost in time and people of completing more occasional activities such as the following non-exhaustive examples:

• Applying to increase the scope of recognition
• Technical evaluations of assessment material
• Regulatory audits or investigations (for example, complying with B4 notices)
• Undertaking an application for an HTQ, or new EPA Standard
• Complete CASS requirements
• External Quality Assurance compliance for end-point assessment

10. Thinking about the level of operational activity relating to day-to-day regulatory compliance, how many staff are directly responsible for this in your organisation? *(drop down selection: 1, 2-4, 5 or more)*

11. And approximately how many hours per week do you think you might be spending on **day-to-day** regulatory compliance activity (**you may wish to respond to Question 11 instead if it is easier**)? *(Drop down selection: Less than 1, 2-3, 4 or more, Not applicable)*

12. **Or** approximately how many days per month do you think you might be spending on day-to-day regulatory compliance activity? (drop down selection: less than 1, 2-4, 5 or more)

13. It has proven problematic to estimate costs relating to regulatory compliance, but, based on your answers to questions 9-11, we would be grateful if you could provide an approximate financial cost per month which is sufficiently illustrative from your own experience, with any accompanying brief commentary which you feel is important for our understanding: *(insert FREE TEXT BOX)*

14. We find that individual testimony is powerful in terms of physical example. We would be grateful if you could provide a brief statement outlining to what extent you have found that the requirements of working in a complex landscape with various regulators (or other agencies requiring similar information via similar approaches) have impacted your organisation over recent years, and what might have been the result for your business? *(FREE TEXT BOX)*

15. And finally, what recommendations for improvement, if any, (be that a more effective or efficient regime) would you consider appropriate or useful to suggest? (FREE TEXT BOX)

Glossary

OIOO	One In, One-Out
OITO	One In, Three-Out
NAO	National Audit Office
FAB	Federation of Awarding Bodies
AO	Awarding Organisation
EPAO	End-Point Assessment Organisation
SQA	Scottish Qualifications Authority
CCEA	The Council for the Curriculum, Examinations & Assessment
ESFA	The Education and Skills Funding Agency
PTQ	Professional Technical Qualifications
HTQ	Higher Technical Qualification
GCoR	General Conditions of Recognition
QW	Qualifications Wales
EPA	End-Point Assessment
VRQs	Vocational Related Qualifications
PTQs	Performance Table Qualifications
FSQs	Functional Skills Qualifications
ESOL	English for Speakers of Other Languages
EDSQs	Essential Digital Skills Qualification
EPAs	End-point Assessments
LtPs	Licence to Practices
SoC	Statement of Compliance
LARA	Learning Aim Reference Application
ERF	The Extraordinary Regulatory Framework
SLA	Service Level Agreement
CAGs	Centre Assessed Grades
TAGs	Teacher Assessed Grades
T Levels	Technical Level Qualifications
IfATE	Institute for Apprenticeships and Technical Education

Feel the weight
REGULATORY IMPACT IN AWARDING

FEDERATION OF AWARDING BODIES

CELEBRATING 20 YEARS