SQA Accreditation

Regulatory Principles Consultation

A report on the results from SQA Accreditation's consultation on its revised Regulatory Principles

2013–14

An Assurance of Quality

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1 Executive summary

During 2013–14, SQA Accreditation carried out a consultation with stakeholders on the revised Regulatory Principles to identify any areas that required further improvement or clarity. The consultation process included a focus group attended by a selection of SQA Accreditation's approved awarding bodies.

The key changes made to the Regulatory Principles presented at consultation were:

- The number of principles were reduced from 25 to 15.
- The principles were reworded to enhance transparency and improve clarity.
- An additional column was provided indicating the minimum requirements to be achieved to demonstrate compliance.
- A third column was included which provides reference and mapping to key documents (ie the current Regulatory Principles, the Regulatory Principles Directives and the Criteria for Accredited Qualifications).
- Reference to qualification design, development and delivery were embedded in the Regulatory Principles and would result in the withdrawal of the Criteria for Accredited Qualifications document.
- An overarching principle relating to governance was formally included — previously this was subsumed within a variety of principles.

Feedback from both the focus group and consultation was overwhelmingly positive, with stakeholders welcoming the reduction in the number of principles, a more logical order to the principles and the clearer language used.

A number of consistent messages and suggestions for improvements came from both the focus group and consultation, particularly in regards to:

- The title 'Requirements' and intention of column 2.
- Inconsistencies in the language used throughout column 2.
- A need for further differentiation between the principles relating to qualification design, development and delivery.
- Additional guidance on qualification design, development and delivery.
- The position of principle 7 in the running order of the principles.
- More explicit reference to assessment.
- Further guidance on self-assessment and clarity on what SQA Accreditation's expectations are on awarding bodies.

A range of other comments were also received. SQA Accreditation's Regulatory Principles project group will consider all feedback before finalising the Regulatory Principles (2014).

The finalised Regulatory Principles (2014) will be launched at SQA Accreditation's stakeholder event in March, with a go-live date of 1 April 2014.

2 Introduction

SQA Accreditation currently regulates approved awarding bodies and their accredited qualifications according to the *Regulatory Principles (2011*), the Regulatory Principles Directives, and the Criteria for Accredited Qualifications. These high-level principles and the Criteria for Accredited Qualifications were introduced on 1 April 2012.

At SQA Accreditation's stakeholder event in March 2013, it was announced that following the first year of implementation, a review of the *Regulatory Principles (2011)* would be conducted. During 2013, SQA Accreditation staff considered ad hoc feedback received from awarding bodies and carried out an internal review of the *Regulatory Principles (2011)*. This activity informed a reviewed set of principles presented for consultation on 7 October 2013. (Please see appendices 1 and 2.)

The regulatory principles presented for consultation were revised to be simpler and clearer. The main changes were as follows:

- The number of principles were reduced from 25 to 15.
- The principles were reworded to enhance transparency and improve clarity.
- An additional column was provided indicating the minimum requirements expected to be achieved to demonstrate compliance.
- A third column was included which provides reference and mapping to key documents. (Ie the current Regulatory Principles, the Regulatory Principles Directives and the Criteria for Accredited Qualifications).
- Reference to qualification design, development and delivery were embedded in the Regulatory Principles and as a result, would result in the withdrawal of the Criteria for Accredited Qualifications document.
- An overarching principle relating to governance was formally included whereas previously this was assumed within a variety of principles.

In addition to the formal consultation, a focus group was held with a selection of awarding bodies in November 2013 as an opportunity to discuss the revisions presented in the consultation in further depth and detail.

The purpose of this report is to summarise the feedback gathered from SQA Accreditation's stakeholders during the consultation, including feedback from the focus group. This feedback will then be considered by SQA Accreditation's Regulatory Principles project group when producing the final version of the Regulatory Principles.

3 Research methods

3.1 Consultation

SQA Accreditation decided to consult with stakeholders on the revisions being made to the regulatory principles to ensure that both the format and content of the regulatory principles were clear and transparent, and to identify any areas that required further clarification or guidance.

The consultation was open for 12 weeks from 7 October 2013 to 8 January 2014. SQA Accreditation's stakeholders were invited to respond via e-mail or online using www.surveymonkey.com. Hard copies of the consultation documents were also posted out to stakeholders who requested them.

Stakeholders were presented with a series of questions exploring whether the revised regulatory principles were understood correctly, whether they required any adjustment or change and whether awarding bodies would be able to evidence compliance against them.

The following documents were also provided to assist with their response:

- The consultation document, including background to the consultation and a summary of changes that were being presented.
- The Revised Regulatory Principles (Consultation version 2013).
- SQA Accreditation's Regulatory Principles (2011).
- SQA Accreditation's Regulatory Principles Directives.
- SQA Accreditation's Criteria for Accredited Qualifications.

3.2 Focus group

As part of the consultation process, SQA Accreditation's approved awarding bodies were also invited to participate in a focus group held on 25 November 2013 in Glasgow, prior to the consultation closing date of 8 January 2014. This would give those stakeholders who are more directly impacted by changes to the Regulatory Principles an opportunity to provide feedback in greater detail and to share their understanding of the regulatory principles with other awarding bodies.

The aims of the focus group were:

- To investigate in further detail stakeholders' reactions to the changes presented.
- To explore how awarding bodies understand and interpret the Regulatory Principles.
- To determine areas that require further clarification.
- To generate ideas for potential improvements.
- To gather feedback on the implementation and roll-out of the revised regulatory principles.

4 Findings

4.1 Focus group

All awarding bodies were asked to indicate interest in participation in the focus group via their consultation response or by e-mail. 12 out of 37 SQA Accreditation approved awarding bodies indicated their interest and all were invited to participate in the focus group.

A total of 10 approved awarding bodies took part in the focus group and there were three members of SQA Accreditation's Regulatory Principles project group in attendance as observers.

Feedback on the focus group from participants was positive. A warding body representatives appreciated the opportunity to discuss their thoughts in more detail and felt that SQA Accreditation was genuinely taking on board stakeholder feedback before finalisation of the new regulatory principles.

In advance of the focus group, attendees were asked to provide a draft response to the consultation. These responses were then used to identify key issues and themes to be further explored during the focus group.

SQA Accreditation's Research Officer guided the discussion of the group to cover the following themes:

- general overview and format (looking at the addition of the requirements and reference/mapping column in particular)
- self-assessment (Principle 3)
- qualification, design, development and delivery (Principles 7, 8 and 9)
- guidance, support and implementation

However, there was also the opportunity to discuss any of the remaining principles or other topics that participants' felt required further clarification or discussion.

The key outputs from the focus group are presented as follows.

4.1.1 General overview and format

General format and reduction of Principles

Participants felt that the revised Regulatory Principles presented at consultation were in a more logical order (with a couple of exceptions) than the Regulatory Principles (2011); the groupings of the principles made more sense; and overall the reduction in the number of principles was a positive change. The overwhelming feedback was that the revised version of the principles was easier to follow and understand.

One participant commented that:

> *…the order is more succinct and I like the flow. To start with the awarding body, overarching who you are, how you are made up and how then do you deliver the qualifications. Loads and loads better.*

Another participant backed up that statement, saying

> *Yeah, I would agree with that. Colleagues have said the same thing. Clear, logical groupings, more sensible. More transparent. All of that.*

One participant did feel that the reduction to 15 principles could potentially look like SQA Accreditation wouldn't be as rigorous with their regulation and that this could have a negative impact on the awarding bodies and how they were seen by their customers and partners. Although, they admitted that they did not personally feel that this was the case in practice.

> *One of the concerns we have…If some of the detail is gone from the principles because you want to be more open, then it appears that the principles and SQA are not as rigorous as they have been. For instance, in principle 11 as it stood there was lots of detail on what needed to be done to allow the generation of evidence but that's all gone. Our expectation is that you still expect that, but anyone just looking at the principles and us as an accredited awarding body would think we are just working to a lower standard now. Which isn't necessarily to do with the principles but just the perception that maybe by simplifying, the rigour has diminished. Not that it has, but the perception of it.*

However, when asked if this reflected the feelings of the rest of the focus group, participants disagreed:

> Participant 1: *I actually think it's almost a harder task, which it should be. The onus should be on the awarding body…*

> Participant 8: *It's not the actual doing it. It's just if somebody looks from the outside, you've reduced the principles, and you don't need to do that anymore. We know we do as an awarding body...Because I know my international regulators may say that's not as much as Ofqual would ask for…'*

Another participant also suggested reducing the number of principles even further:

> *We still like this approach to being more minimalistic. And I still think, we suggested, we can get them down further than 15 to be honest. I don't know if it's feasible or not…*

However, the other participants did not agree and felt that the 15 principles provided sufficient coverage and rigour (albeit with some improvements to be made) while being high-level enough to allow for flexibility.

Requirements

One of the key themes that came out of discussion on the format of the Regulatory Principles, and which kept being returned to throughout the focus group, related to the Requirements column. There was a lot of discussion on the second column (Requirements) and it was apparent that there was some confusion on its purpose. Although participants appeared to understand that it was the Principles they would be audited against, discussion kept returning to how they could meet the statements included in the requirements column.

When participants were asked, 'In terms of the principles document itself, what do you see that middle, requirements column as actually meaning? What is the purpose of that column?' there was a mixed response:

> *That's what you must do.*
>
> *We see it as a further clarification of the principles. And actually, perhaps we prefer more detail because it is easier for us….Whereas the principles, we can say this is how we do it but the more info there is the easier it is for us to ensure we are meeting what you require and not just what we require.*
>
> *It's the intention behind the detail. So in the requirements column there is a lot of clarity and it's helpful. It is actually helpful to direct you. But what's the intention? What is SQA Accreditation's intention for that column with regards to awarding bodies?*

Following some further probing, a number of issues relating to the Requirements column became evident:

- Further clarity was needed on the purpose and relationships between the principles themselves, the 'requirements' column, the directives and guidance
- Awarding bodies had varying needs and expectations of what should be included in the 'Requirements' column.
- The title of 'Requirements' for column 2 was not appropriate as it does not accurately reflect the purpose of the column.
- The language used in this column needed to be amended to be more consistent and considered.

The relationship between the principles, 'requirements', directives and guidance was raised by participants a number of times throughout the focus group and although there was differing opinions on what was needed or wanted, there was a definite need for more clarity on the roles that each play in the regulation of awarding bodies:

> *While the requirements column is useful — is it guidance, is it a requirement, is it a minimum requirement? You know, it brings a certain confusion there… The Principles are broad natured, awarding bodies can interpret them and evidence them according to business needs, and as you say, you would fight your corner and say well, actually we think this. Whereas the directives are pushing you into a very specific route. And I'm not saying that that's wrong. It actually does bring clarity but there is a balance to be had in terms of well, where does this sit between the directives and principles and guidance. What actually is it then? Where does it come in terms of audit?'*

An example of the differing expectations of awarding bodies is reflected in this discussion between a number of participants:

> Participant 4: *I think the key thing that needs popping in is the evidence expectation, and that's different. And that tends to come in the guidance or in the mapping column since, of course, you are not going to need that for so long. But to have the evidence expectations listed, so then it is very clear we wouldn't misinterpret it from SQA Accreditation.*

Participant 3: *I think part of my feedback was, the current guidance, we would probably still, at the moment, use that as a safety net for exactly as you were saying there about the evidence requirements, If the evidence requirements was there, that would probably tell you exactly what you need to do.*

Participant 6: *It's not so much guidance as 'this is what you must have in place.' In here, as it is at the moment, I might interpret it different from SQA Accreditation and that's where we would get action planned. And so to help people avoid getting action planned and be able to meet everything themselves…*

Participant 5: *But that's an interesting point, because we would argue against that. If we have a rationale, we would say 'right, this is the evidence, this is why we think it meets the regulatory principles'. We would fight our corner… That's why we like, sort of, this way going forward where it's not massively saying you've got to do that, that and that.*

These differing opinions are understandable, as awarding bodies seem to welcome the flexibility that the principles provide but are eager to ensure that they meet any specific needs of SQA Accreditation:

I think most of us are going to be working with more than one regulator. That's why I keep coming back to, we will have these things, because it's what we do. But where it's something very specific to this regulator, it needs to be listed. If it's not specific it is business as normal, then the general description for most people is going to be ok.

We're a global body and have loads of different regulators so we don't want to have our hands tied and lots of requirements for each one. Obviously there is going to be specific requirements for each regulator like certificate and what not but we don't want to be creating documentation for the sake of it.

The way I would tackle this would be, we have our own business processes, we want to be flexible enough to demonstrate them. I would almost not look at that [second] column and run through each principle and say 'we've got this, got this,' then when it came to audit, we would give you those things.'

Some of this conflict appears also to be a result of working to principle-based regulation which is, in its nature, more flexible and high level. Although it is clear that column 2 needs work to ensure its purpose and intention is clear, after discussion participants understood that a list of example evidence could not be provided in this column.

Another issue which contributed to the lack of clarity and transparency in column 2 was the title of 'Requirements' for this column. There was discussion as to whether 'Requirements' appropriately reflected the information being provided, and it became clear that the column was not a list of minimum requirements. Although some participants did ask for a prescriptive list of evidence expectations to be included, it was understood overall that this approach would not be in line with principle-based regulation.

Participants gave some suggestions on an alternative name for this column, such as 'best practice', although the group broadly agreed that 'Indicators' could be an appropriate term to use. It was felt that 'indicators' was a good term to explain the purpose of the second column

as it did not make the column appear as a list of evidence expectations or requirements that *must* be met, but instead gave awarding bodies a 'steer in the right direction'.

Following discussion on column 2, it also became apparent that the level of detail and instruction used in this column was not consistent throughout the document:

> *In some cases it says the awarding body **must** take appropriate measures to identify business risk. Great, that's one style of writing but later on it specifically says **evidence** in another one. So for me, there is not one style of writing all the way through. Are you wanting to just have bullet pointed info or are you talking holistically?*
>
> *It's also that judgement on what's 'appropriate'*
>
> *Are you going with a broad based principles approach or are you being specific? It seems like you are trying to be both.*

Participants agreed that SQA Accreditation needed to ensure that the language used in this column was consistent, as awarding bodies were unsure if the different terms being used were intentional or not.

Mapping

Participants were happy overall with the mapping column, and although there was some confusion as to how relevant it would be once the revised principles were live, it was seen as a useful tool to help facilitate the transition to the revised Regulatory Principles. However, participants felt it was not necessarily useful on a longer-term basis and that some of the information, such as reference to the Regulatory Principles Directives could be included in the second column.

SQA Accreditation's Research Officer asked the focus group if there was any other information that should be included in this mapping column such as mapping to ISO:9001 and in general, participants felt this could be useful:

> *There are things that can be tied together as well, cause you might have your regulatory audits that take place, there's external audits you might have done as well…like ISO:9001 which is all about your quality assurance processes. So it's knowing that there is some reciprocal arrangement for recognition of that within this process – it makes our lives easier because actually you are asking if we have governance arrangements – yes we have them here. Have you got quality assurance arrangements? Yes we have ISO:9001. And it kind of ties them together because we are going to get externally audited by them as well.*

However while participants agreed that mapping to ISO would be useful, they felt that they would share these with SQA Accreditation as sources of evidence anyway, along with outcomes from other quality assurance systems such as the European Foundation Quality Model (EFQM). The general feedback from participants was that a mapping document may not be required, but it was important for SQA Accreditation to make awarding bodies aware that these could be used to demonstrate compliance against the principles.

4.1.2 Self-Assessment

Self-Assessment was formally introduced in the revised Regulatory Principles as an activity that SQA Accreditation will expect awarding bodies to carry out. SQA Accreditation's Regulatory Principles and Self-Assessment project groups had specific questions regarding self-assessment and its relevant principle — Principle 3 — that they wanted presented to the focus group. These questions were particularly about how SQA Accreditation could ensure that the process of self-assessment would not be burdensome for awarding bodies and could instead work with their existing self-assessment activities.

Initially, SQA Accreditation's Research Officer had to ensure that it was clear which principle self-assessment related to. All participants identified Principle 3 as the relevant principle, but following some further conversation one participant felt that it might not be as transparent to all users of the Regulatory Principles:

> *In new awarding bodies, or somebody new, quite a young business, just starting out as an awarding body. If they don't have people who have been in the industry or business for a long time I am not sure they would get that. We would.*

There was also some discussion around *why* it was included in the Requirements column and not referenced in the Principle itself. This caused some confusion as to what SQA Accreditation was expecting from awarding bodies in terms of self-assessment, as it was felt that having it referenced in column 2 indicated that something specific was being asked for:

> *It's [referenced] in the requirement column and we felt that if it's in the principles column we could show that we evidence that in different ways across the awarding body or even different directorates within the awarding body actually. But when it's in the requirement column, you are immediately thinking ok, it's a minimum requirement so what is it you are actually looking for here? What's the coverage? What's the reporting? So it sort of drives you to say ok if that's a minimum requirement, I need more information on what it is you are actually looking for.*

The focus group was provided with a summary of SQA Accreditation's key points on self-assessment, and was reminded that the project group were still to finalise self-assessment following outputs from the focus group's discussion:

- SQA Accreditation would expect a self-assessment report and/or action plan to be submitted on annual basis.
- To avoid adding additional burden to awarding bodies, self-assessment for SQA Accreditation should work with the awarding bodies' existing self-assessment activities where possible.
- Systems of self-assessment should be as integrated with the awarding body's Scottish activities as much as possible and take account of the Scottish market and qualifications.
- Outcomes of the self-assessment would feed into the awarding body's Quality Enhancement Rating.

Overall, participants were happy to undertake self-assessment for SQA Accreditation, and did not feel it would add too much additional work since they already carry out a number of self-assessment activities. Most awarding bodies self-assess across their organisation at least once a year, with some awarding bodies having to carry out self-assessment activities a number of times a year for different organisations. Being able to use evidence from other

activities was identified as key to ensuring that self-assessing for SQA Accreditation would not be an additional burden:

> *Ultimately our self-assessment is against the EFQM, so we look at how our leadership is, how effective our operations are, and this just sits within that.*
>
> *If you've got EFQM or ISO as long as you are able to show to SQA Accreditation, whatever you've got in place, it actually meets their requirements as well. That's key.*

However, there was some discussion among participants as to what self-assessment actually means in this instance — for example, there was some confusion as to whether self-assessment means a product review or business review. It was felt that this could be made clearer and that guidance may be useful to help guide awarding bodies on what awarding bodies were expected to provide.

One participant picked up on the reference in column 2 to 'the awarding body's operations in relation to their SQA accredited qualifications':

> *Is actually the reason for that going in the requirements, because you are looking for an explicit assessment of the operations in Scotland?[Ensure] SQA accredited qualifications [are] clearly identified in any self-evaluation and assessment. Is that actually the point that they want made? I was just thinking here that the awarding body should have evidence of self-assessment, but is the specific point you want to make here that it should specifically cover SQA accredited qualifications?*

Yet it was felt that this was not explicit in the principle itself, with another participant saying that:

> *This is one of the examples of where, if you read the principle itself, it doesn't actually mention anything about SQA Accreditation so if we are working just to the principles, we would say, but where does it say that…?*

Overall, the focus group felt comfortable with undertaking self-assessment for SQA Accreditation, and appreciated having the opportunity to shape what that would mean in practice. There was agreement that having flexible timescales for submission that worked around their business planning, as well as the ability to use existing evidence from other evaluations, was key to ensuring that the task would not be burdensome to awarding bodies.

4.1.3 Qualification design, development and delivery

Focus group participants were reminded that qualification design, development and delivery had been embedded in the revised regulatory principles and, as a result, the existing document, the *Criteria for Accredited Qualifications*, would be removed once the Regulatory Principles were finalised and in operation.

As a starting point, the Research Officer wanted to confirm if it was clear which principles refer to qualification design, development and delivery. Participants readily identified that Principles 7, 8 and 9 related to qualification design, development and delivery, and did not feel there would be any issues in evidencing compliance against these principles.

However, following further discussion, it was highlighted that clearer distinction was required to ensure clarity between the three principles. Participants understood that the focus of Principles 7 and 9 were different — Principle 7 relating to the overall quality assurance from the awarding body and Principle 9 being the quality assurance of the qualification — yet felt that to make this clearer, the order of the principles should be amended.

> *Number 7…I'm not sure if it should be written more holistically? So for example, you've got to have your governing body, you know, everything in place to support the whole, not just each individual qualification but potentially the design of the qualification.*
>
> *It almost sits within the first three…*
>
> *This [7] is about us, this is about us and us having all the resources and as far as I'm concerned 9 is about centre recognition and maintenance, monitoring, delivery…*

Participants agreed that Principle 7 would be more appropriate if it came earlier in the document, within the overarching governance of the awarding body.

In regards to evidence that awarding bodies could produce to demonstrate compliance with these principles, the only real concern participants had was in regards to the identification of need/demand for their qualifications. There was uncertainty as to what constitutes 'reasonable demand' and what appropriate sources/processes are for the identification of that demand. However it was recognised that this was not something that SQA Accreditation could necessarily quantify:

> *I think the preference is to keep that open because demand can take many different forms. It could be low numbers but there's still a demand there for lots of different reasons. Perhaps what would be helpful perhaps…is that there is a consistent understanding and interpretation across SQA Accreditation's perspective so that all awarding bodies' rationale for demand is treated the same way.*
>
> *I think it's flexibility cause I don't think any of us would develop a qualification normally where is isn't high need or demand cause it's not worth it. But there are occasions where we do need to develop something for fifty people, well I know that's what we do, because there is a need for it, it's so niche. And I think, not to lose that. For that not to be developed or not accredited…'*

Participants agreed that a flexible approach from SQA Accreditation in what was accepted was important. However, should SQA Accreditation have any specific requirements that *must* be provided, this should be made clear.

It was also agreed that guidance or support notes would be beneficial, particularly for newer awarding bodies. However, overwhelmingly, participants agreed that the most valuable support available to awarding bodies was the support given to them by Accreditation staff.

4.1.4 Other Principles

The focus group participants were given the opportunity to comment on any other principles that had not been covered already in the discussion.

Principles 4 and 6

A small number of participants had some suggestions to improve Principles 4 and 6 to ensure clarity between them. Although they understood the difference between them, having the same statement in the requirement column meant that there was some confusion between the two.

> *We thought that, you could see that there was a different intention from 4 and 6 but what clouded it a little was that the last bit in Principle 4 duplicated what was in Principle 6. So we just thought, bring them together or take that part out so that there is a distinct difference between the two. But it is in the Requirement column so what does that actually mean?*

This caused some further questioning on the intention behind Principle 4 and how much providers are expected to understand about SQA Accreditation and how awarding bodies should comply:

> Participant 7: *Do you expect providers to understand everything that we are required to do to get the qualification accredited with SQA Accreditation, or do you expect them to know what part they play in it? Because I think here it says we've got to be able to demonstrate how we promote SQA Accreditation requirements and make providers aware… So I'm not quite sure what your intention is from that, because if you go in and ask them what we have to do, they'll just say 'oh we don't know' no matter what we tell them.*
>
> Participant 1: *One of the things I would say under that is that we would want to make sure centres knew about the ten week rule. I know that's a very specific thing but … I think that's how I interpret it anyway.*
>
> Participant 8*: Yeah, that's our comment. It's the difference between customers understanding some criteria — for example, the ten week rule, escalation of complaints were the two critical ones. But there is something about this sentence and its replication… we felt it wasn't clear. What we* ***did*** *need to do was communicate the* ***specific*** *requirements, so for example the two things we listed…*
>
> Participant 7: *See I thought it was marketing, because we thought there was already a requirement that we market in Scotland — Principle 6. And I thought that was covered in the first bit and the second bit didn't bring anything.*
>
> Participant 1*: It was because it said* … '*aware of SQA Accreditation requirements*', *that's why I immediately thought that must mean ten week rule etc.*

Following further discussion, the focus group agreed that Principle 4 was much clearer when the following statement was removed from the Requirement column: 'The awarding body must be able to demonstrate how it promotes SQA accredited qualifications and SQA Accreditation requirements.'

Principle 15

One participant raised a query with Principle 15 and felt that it appeared to be a 'catch-all' principle, perhaps sitting better merged with one of the other principles — such as Principle 3. Although other participants did not agree it should be removed altogether, it did lead to a request for clarity on what was meant by 'third parties'.

Assessment

Another participant raised the issue of Assessment and felt that it had been 'watered down' in the revised version of the Regulatory Principles.

> *I was trying to read these as somebody coming along as new and I think if they had never seen the old principles and just walked into the new, I don't think they would have on basis of the current principles and requirements, specific information on standardisation models, good practice and assessment.*

Although other participants agreed assessment could have more of a focus, they felt that it was understood that assessment falls under both development and delivery of a qualification. However, it was agreed that Principle 8 could benefit from having assessment more explicitly mentioned.

4.1.5 Guidance, support and implementation

The focus group were informed that an introduction to the Principles would be written and a glossary would be produced as a tool to help explain some of the terms used. Participants agreed that this would be useful and welcomed the idea of a glossary or definition of terms.

When asked what additional guidance they would like to see, participants overwhelmingly agreed that they would rather not have many additional documents supporting the Principles. However, it was felt that new awarding bodies would need additional guidance, particularly on qualification design, development and delivery. One participant suggested that a 'Frequently Asked Questions' document could be produced which would likely be useful to new and existing awarding bodies.

In regards to implementation, participants agreed that a transition period of 6–12 months would be desirable, and although there would not be a significant change in their actual activities, it was more a case of preparing their documentation on Quickr to ensure it was mapped to the new Regulatory Principles. This then raised the issue of Quickr, and participants raised some of their concerns with the system itself and some of the difficulties in knowing where to save their evidence. The group agreed that revised guidance on Quickr, as well as feedback from their relevant Regulation Managers on the content saved to Quickr, would be highly beneficial.

4.2 Consultation

A total of 24 final responses to the consultation were received. These can be broken down as follows:

- 20 awarding bodies
- 2 Sector Skills Councils
- 2 Others

Respondents had a variety of experience of working with SQA Accreditation. Of the awarding bodies that responded, the majority (11) had been a SQA Accreditation approved awarding body for three years or more, five had been approved for one to three years, and two had gained approval in the last year.

The consultation asked a number of exploratory questions around the format and content of the revised Regulatory Principles, looking at both the Principles themselves as well as the 'Requirements' column to find out where further clarification, guidance or amends were needed.

4.2.1 General format

The first question asked in the consultation was regarding the overall format of the revised regulatory principles document. Two key changes had been made to the format of the document:

- An additional column was provided indicating the minimum requirements expected to be achieved to demonstrate compliance.
- A third column was included which provides reference and mapping to key documents. (ie the current Regulatory Principles, the Regulatory Principles Directives and the Criteria for Accredited Qualifications)

1 Is the format of the principles, requirements and mapping clear and understandable?

- 23 Respondents answered 'Yes'
- 1 Respondent answered 'No'

The majority of respondents felt that the format and structure was easy to understand and welcomed the reduction in the volume of principles:

> *The format is clear with appropriate links between the principles, requirements and mapping. They are easier to understand and relate to than those used in the 2011 Principles.*
>
> *The layout and language are simple and easy to read. The reduction from 25 to 15 has retained the rigour and standards, while making them easier to read and understand.*
>
> *The proposed Principles are clearer and more focused than the current version, and the reduction in the number of Principles supports this. The move towards combining Principles in naturally grouped areas is a sensible development and supports more meaningful and efficient referencing of evidence.*

Respondents also appreciated the addition of the mapping and reference column to ease with the transition to the new regulatory principles. However it was felt by one respondent that once the final version of Regulatory Principles is made available, the mapping and reference column should not include reference to any historical documentation:

> *[We] agree that the format used is understandable. If these Principles are adopted, references to existing Principles and Criteria should be removed. However, it will be very important to retain the references to the Regulatory Directives.*

The one respondent who answered that the overall format of the principles, requirements and mapping was not clear and understandable, stated that:

> *There is a degree of ambiguity. The explanation of the new 'Requirements' column states that what is listed indicates 'minimum requirements expected to demonstrate compliance', but also that 'this is not an exhaustive list'. This will need more explanation to ensure an awarding body has a reasonable indication of the full scope of what will be expected by SQA.*

Although only one respondent said that they did not feel the overall format was clear and understandable, the point raised above is echoed throughout the consultation responses with stakeholders looking for more clarity on what the purpose of the 'Requirements' column is.

One respondent also suggested renaming the second column to more accurately reflect its' purpose:

> *The proposed principles appear to be user friendly and sufficient. However the 'requirements' could be renamed to 'Indicative guidance' as SQA [Accreditation] will be auditing against the Principles and not these requirements.*

4.2.2 Revised Principles (Column 1)

The next section posed a series of questions relating to column 1 — the Principles. SQA Accreditation wanted to gather feedback on stakeholders' understanding of the principles, identify any principles that require clarification or amended and ensure that there were no gaps identified.

2 Are the principles sufficiently clear and transparent? If not, which principles require clarification?

- 14 Respondents answered 'Yes'
- 9 Respondent answered 'No'
- 1 Respondent did not answer

Responses to this question varied. The principles were seen to be clear and transparent by 58% of respondents, with a smaller number of stakeholders looking for clarification on the meaning of any specific principles.

> *No further clarification is required – they are much clearer than previously (version 1) whereby it was difficult to understand the link between some principles and the related requirements. In this version, there is more logic.*

The principles are clear therefore further clarification is not required.

All the principles are understandable, distinct and are clear and transparent.

The Principles are at a higher level than the 2011 ones, so there can always be discussions about what words such as 'clear', 'transparent', 'robust', 'equitable' mean in practice. However, this is better than Principles that are so tightly defined that Awarding Organisations have to organise their systems in a particular way.

However, some respondents felt that the principles could benefit from some additional detail to ensure awarding bodies could understand what was required of them.

The principles, as a series of overarching statements, provide sufficient clarity to what SQA are looking for, and when read with the requirements and further guidance within the [current Regulatory Principles] then there is sufficient clarity and transparency. When read in isolation it would be difficult to ensure that all requirements of SQA would be met.

Overall the Principles are clear and transparent; however, [there] are a few areas that would benefit from further clarity, but would not necessarily cause difficulty if left as is. The self-assessment area under Principle 3 prompts most query.

One respondent felt quite strongly that the reduction of the number of principles, combined with them being high-level principles, could result in increased difficulty for awarding bodies to ensure they are compliant:

SQA Accreditation have not provided a clear rationale for the need to reduce the number of principles from 25 to 15 or the reasons for removing some principles rather than others. We would suggest this will make it more difficult for both awarding bodies to assess their current compliance with the principles (and what actions they need to take to effectively comply) and for the regulator to assess compliance.

If the number is reduced we would also suggest further guidance needs to be issued by SQA to assist awarding bodies.

Clarification was also sought on a number of specific principles and some suggestion for improvement was provided. These are detailed below, by principle.

Principle 2

One awarding body felt that principle 2 could benefit from additional information regarding which business planning processes are relevant to SQA Accreditation and what the rationale is for this principle.

To what extent do SQA need to understand the business planning process in terms of the commercial aspects? Much of this information is commercially confidential and not relevant to qualification regulators. This is not a requirement of any other regulator we work with.

One respondent felt that risk should be referenced in the wording of Principle 2 rather than only in the requirement:

The requirements for No. 2 mention risk management; as this is a highly significant area of business process it should perhaps be referenced in the principle.

Principles 2 & 3

Clarification was also sought on the references to the review of business processes in both Principles 2 and 3 and required further understanding of the difference between the two:

There is some ambiguity about review of business processes in [Principles 2 and 3] but this is mainly as a result of the associated requirements. The principles read as if No. 2 requires the awarding body to write review processes into its business plan while No. 3 requires it to actually carry out that review. So long as this is what is intended, this is fine.

Principle 4

One awarding body suggested that '*on matters relating to SQA Accredited qualifications'* was added to the end of Principle 4 to ensure that the scope of this principle was appropriate.

Principles 7, 8 and 9

A number of respondents felt that Principles 7, 8 and 9, regarding qualification design, development and delivery required further clarification and clearer separation from each other. A number of comments relating to Principle 7 in particular demonstrated that further work needs to be done to improve its clarity and transparency.

One response highlighted the difference between Principles 7 and 9 but felt that this distinction needed to be made clearer:

These Principles are about appropriate expertise and resource with a focus on the end quality assurance processes, and although 7 is in regard to the awarding body and 9 is about the provider, a clearer distinction could be made. For example, Principle 7 could more clearly focus on the Awarding Body having in place appropriate expertise and resource for the whole of the cycle of regulated qualifications; ie from establishing the need, design and development through to the end quality assurance processes

Another respondent felt that there was overlap between Principles 7 and 8 and felt that clearer differentiation between the purposes of each principle was required:

No. 8: this seems mainly about design and development of qualifications but the word 'implementation' extends beyond this to the point where the qualification is being delivered. This creates overlap with No. 7 ('effective delivery'). It would be more logical if there were two principles, one clearly about design and development (and possibly review), and the other about delivery.

There was further confusion as to the purpose and scope of Principle 7:

The guidelines imply that this principle includes quality assurance of assessment; however this is not clear from the wording of the principle itself. 'Quality assurance of qualifications' is a wide-ranging concept and can be applied to any and all of syllabus content, assessment, results and customer service, among other things.

3 Are there any areas you believe are not covered by the principles?

- 8 Respondents answered 'Yes'
- 16 Respondent answered 'No'

Two thirds of respondents felt that, overall, the regulatory principles covered all relevant areas of business:

> *The principles are holistic but specify all areas which should be covered to ensure an effective, quality assured and sustainable awarding body.*

> *The Principles appear to provide good coverage of the areas expected to be regulated*

However, there were some suggestions given as to areas that are not covered and that could perhaps be included. For example, one respondent felt that reference to awarding bodies having formal agreements with their approved centres could be usefully included:

> *This is an Ofqual General Condition and we have found it very useful in getting centres to meet our requirements and those of the regulators.*

Some respondents also highlighted specific Principles that were missing key information or reference to important business processes. These are detailed below, by principle.

Principle 8

Two respondents raised concerns with the content of Principle 8, stating that it did not include information previously referred to in SQA Accreditation's Regulatory Principles (2011):

> *Regarding the qualifications, information on pathways historically have been required. Although principle 8 now refers to qualification design, I have not seen any reference to CPD, pathways or progression outcome. This may be due that this criteria is no longer required?*

> *[There is] not enough focus on assessment and qualification design*

Principle 9

One respondent also stated that, although it was not included in the current Regulatory Principles (2011), they would expect to see a mention of 'sanctions' in Principle 9, with the scope of the principle extending beyond 'ensuring that centres have the necessary arrangements and resources' into the awarding body taking action against centres where necessary.

Principle 10

One respondent felt that although there was reference to 'Reasonable Adjustments' in principle 10, it was missing the inclusion of 'Special Considerations'.

Principle 12

One respondent questioned why principle 12 mentions Appeals but the reference to Enquiries About Results which was in the previous 2011 version of the Regulatory Principles had not been included.

4 Are any of the principles too restrictive? If so, please indicate which principle(s) and explain your rationale.

- 5 Respondents answered 'Yes'
- 18 Respondent answered 'No'
- 1 did not provide an answer

The majority of respondents did not feel that the principles were too restrictive, with many stating that the principles were broad and flexible enough to cover the relevant areas of compliance while allowing awarding bodies to interpret and work with the regulatory principles in a way that works for them.

> *Most are holistic and not restrictive at all. Each AB should easily be able to identify which of their established approaches, processes and systems enable them to comply with each principle.*
>
> *They are sufficiently broad to cover the policies and procedures of diverse awarding organisations*
>
> *The principles allow for a degree of interpretation by awarding organisations. Therefore awarding organisations are not restricted in what evidence they offer for each principle.*
>
> *Whilst there may be some areas of our operations that may need some further development in order to maintain on-going compliance, [we] do not believe the principles to be too restrictive.*
>
> *The principles and the associated requirements provide assurance of the rigor and quality associated with accredited qualifications and Awarding Bodies to learners and employers.*

However, one respondent felt that due to there being fewer principles, in addition to them being high-level, they may not be restrictive enough and it would be difficult for awarding bodies to know what was expected of them to ensure compliance.

> *If anything reducing the number and specific nature of each principle makes them less straightforward to interpret and judge compliance.*

Respondents highlighted specific principles that they felt could benefit from amendment to ensure they were not too restrictive on awarding bodies. These are detailed below, by principle.

Principle 5, 9 and 10

A number of respondents felt that using the word 'ensure' or 'ensuring' was too restrictive in some principles. For example, when referring to access to assessment sites in Principle 5, the previous wording of 'informing approved centres' would be more appropriate.

Another respondent had the same concern about Principle 9 and the use of the word 'ensure':

In relation to Principle 9, the use of the word 'ensure' is always concerning when it relates to the behaviours of third parties. Naturally we support the need for awarding bodies to require providers to have the necessary arrangements and resources etc. However, while the awarding body can and does check this, and they will take action if the provider fails to act when required to put in place necessary arrangements or resources, in effect this is a matter for the provider and not one that the awarding body can ensure on a constant basis.

The use of the word 'ensure' was also raised in relation to Principle 10:

The extent to which an awarding body can fully meet the intention of Principle 10 in all circumstances may be, to some extent, out of its control, and could be qualified with the requirement that awarding bodies will 'take all reasonable steps to ensure…'

Principle 7

Concerns with Principle 7 were raised by another respondent who echoed that this principle required further clarification to ensure it accurately reflected its scope:

[Principle 7] might benefit from being written from a more holistic perspective – the requirements for this could be interpreted as relating to the whole awarding function. The requirement states: 'The awarding body must have the relevant expertise, quality assurance procedures, technology, human resources and other physical resources to carry out its regulated functions. 'Should this also relate therefore to the development of qualifications for example and indeed all awarding body activities?'

4.2.3 Requirements (Column 2)

The consultation posed similar questions about column 2 — the Requirements. SQA Accreditation wanted to find out how this second column was understood by stakeholders, whether the purpose of this column was clear and whether there were any clarifications or amendments to be made.

5 Are the requirements sufficiently clear and transparent? If not, which requirements require clarification?

- 11 Respondents answered 'Yes'
- 12 Respondent answered 'No'
- 1 did not answer

Response to this question varied, with half of the respondents stating that the requirements were not sufficiently clear and transparent. In part, this appears to be due to the nature of working with principle-based regulation rather than with regulatory criteria. The broad nature of principle-based regulation can cause some uncertainty as to what the expectations are of awarding bodies, since they are open to interpretation. Having a column titled 'Requirements' appears to some stakeholders as a contradiction to the ethos of principle-based regulation.

The requirements are very clear, easily interpretable and understandable. However – the evidence expectations as a result of the requirements are not outlined and this is where issues tend to arise. What evidence is appropriate to meet each of the requirements? From our perspective, we think that we can meet all such

requirements. However, what we think and what the SQA Accreditation perceive to be appropriate may be different.

Whilst the principles are clear and transparent, they are also fairly broad — which may be of concern if they are interpreted differently — and therefore important [that] additional guidance is provided.

Whilst understanding the need not to confine AO by being restrictive, some vital information required may be missed out depending on every individual's interpretation. More specific examples may be required if there are key criteria documents you wish to have eg qualification specification. These will be obvious to AO that have been present in the qualification market historically but may not be so evident to new organisations.

There was also confusion arising in regards to the title 'Requirements' since this has other meanings in the audit process and may not accurately represent the purpose of column 2.

The term 'requirements' could be changed as it might appear that they must demonstrate the requirements. These could then be interpreted as the audit requirement rather than considerations or indicative activities/processes.

The 'minimum' requirements are very broad and quite vague, making it difficult for awarding bodies to judge the extent of their compliance and identify any actions that are appropriate. Would suggest additional guidance including examples are required.

Whilst finding the information in the Requirements is useful and clear in terms of illustrating the minimum requirement expected to be evidenced to demonstrate compliance, a lack of clarity has been introduced in terms of what the Awarding Body is being audited against — the Principles or the Requirements?

The Principles-based audits use the term 'Requirement' when awarding bodies are judged not to meet the Principles, whereas in criterion-based audits the term 'Non-compliance' is used. There are now three contexts that are reviewed for compliance, the Principles, the Requirements and the Directives.

One respondent wanted to know if the differing terms used in the requirements column was used on purpose and what that meant for awarding bodies:

Some Principles state Requirements in terms of the awarding body 'demonstrating' something, rather than just 'having/maintaining' or 'ensuring', and it would be useful to know if use of these different terms is intentional in order to indicate different SQA expectations for how an awarding body will comply with some requirements.

A number of respondents also highlighted specific principles that required further clarification or amendment. These are stated below, by principle.

Principle 1

I would have expected the appointment of an Accountable Officer to be part of the governance structure covered in Principle 1 and as such be mentioned in the requirements for that Principle. However, it is only mentioned as a requirement for

Principle 4 where the role is of course important in communication with SQA Accreditation.

'Conflicts of interest' should presumably read 'mitigation of conflicts of interest', otherwise the sense is that awarding bodies are expected to have conflicts of interest.

Principle 2

As with question 2 regarding the Principles, there was a question from one respondent looking for clarification on what business planning processes and objectives SQA Accreditation would want to see and to what extent. The same stakeholder also asked

What priority does SQA Accreditation expect when protecting the interests of providers and learners?

Again, there was some confusion as to the 'review' aspect of this principle and whether it overlaps with Principle 3:

The principle appears to require awarding bodies to write review processes into its business plan but the guidelines say that the objectives 'must show evidence' of review. That is not quite the same thing, and would appear to sit better in No. 3.

The same respondent also asked the same question in regards to risk:

Risk is mentioned in both No. 2 and No. 3 and again, I assume the difference is between (a) having a risk management policy and (b) putting it into practice; this could be made clearer.

Principle 3

Two respondents were interested in receiving more information in regards to self-assessment which was referenced in the Requirements for Principle 3, particularly in regards to what this would involve, expectations of the awarding body and timescales to deliver:

The requirement for self-assessment could be developed a little more. Does it need to be annual? Does it need to be provided to SQA Accreditation? Does it need to be done at a particular time of year? Perhaps some of this is guidance, but a little more detail in the requirement would be helpful.

[Principle 3] indicates a 'self-assessment' should take place – how do SQA Accreditation expect to see this? Many Awarding Bodies have been undertaking this type of exercise for several years for other regulators. Do SQA Accreditation expect to see a separate exercise purely for SQA accredited qualifications?

Clarification was also sought on the use of the word 'ethically', with one respondent suggesting that this phrase is too subjective:

Under Principle 3 – the introduction of a requirement that the awarding body must act 'ethically' seems a significant extension of a Principle regarding effectiveness. In theory we would expect our members to act ethically but this tends to be a subjective concept – for example, it may not be seen as ethical by some to have qualifications

relating to military functions. We would advise against the inclusion of the term 'ethically' whilst retaining a requirement for awarding bodies to act legally

Principle 4

In the requirements for Principle 4, it would be helpful to have a little more clarity, perhaps via examples, around 'disclose anything which SQA Accreditation would reasonably expect to be made aware'.

Principles 4 & 6

Clarification on the difference between Principles 4 and 6 was requested by one respondent, as both requirements include the same statement that 'the awarding body must be able to demonstrate how it promotes SQA accredited qualifications and SQA Accreditation requirements.'

Promotion of SQA qualifications is referenced both here and in No. 6. No. 4 mentions communication with 'staff, stakeholders and SQA Accreditation'; the promotion of SQA qualifications would appear to be only relevant to the second of these three groups. I suggest promotion is mentioned only under No. 6.

Principle 7

The requirements mention 'quality and consistency of assessment and ensuring standards are maintained'. This is the only clear mention in the whole document of reliability, accuracy and validity of results (although the second bullet point in No. 8 is also related to this concept) and seems rather a throwaway reference; I think this needs much more visibility. Certainly it is not clear from the principle that this concept is included here. A comparison with the current RPs 11 and 12 leads to a feeling that this important concept has been very much weakened in these new principles.

Principle 13

One respondent felt that the statement 'the awarding body, their providers and earners must be made aware of how and when they can appeal' would need rewording so as to ensure clarity that this principle was relating to malpractice and maladministration rather than a qualification appeal.

Principle 14

Would SQA Accreditation expect certificates to be revoked where fraud or malpractice has been 'proven' rather than just 'identified' and possibly subject to an investigation or even a court case?

6 Are there any areas you believe are not covered by the requirements?

- 9 Respondents answered 'Yes'
- 14 Respondent answered 'No'
- 1 did not answer

Overall, respondents liked that the principles and requirements were high-level and flexible, but there was some uncertainty as to how this would work in practice during audit:

The only concern is that they are minimal and the related evidence expectations are not included. Will SQA Accreditation interpret what is required of awarding bodies

differently from the awarding bodies' themselves on the basis that they are not prescriptive?

The requirements are satisfactory. It is important that there is flexibility in the requirements to allow awarding bodies to meet the requirements.

Some respondents highlighted specific principles that were missing key information in the requirements column. These are detailed below, by principle.

Principle 6

The awarding body should demonstrate how SQA accredited qualifications adhere to Scottish Credit and Qualifications Framework (SCQF) credit rating processes and other SCQF guidance

Principle 8

A new bullet point to be added to the 'proposed requirements' column: Support for a qualification by employers.

Guidance needed to explain what is appropriate evidence to [demonstrate] 'identifying the need/demand for a qualification'.

Fuller detail on assessment methodology and design, standardisation, benchmarking and moderation.

Principle 10

More emphasis could be placed on equality of access and the use of RPL in Principle 10.

Should there be provision for special arrangements here in addition to reasonable adjustments?

Principle 11

Should this include escalation to SPSO for FE centres?

Principle 13

Should plagiarism be made explicit within the requirements here?

Principle 14

Nothing on replacement certificates in this revised principle.

4.2.4 Regulatory Principles in practice

7 Will you be able to provide sufficient sources of evidence to meet these principles? (Question relevant to awarding bodies only)

- 18 Respondents answered 'Yes'
- 1 Respondent answered 'No'
- 1 Respondent did not answer

An overwhelming majority of respondents felt that they would be able to provide sufficient sources of evidence to meet the principles, although some understandably stated that they would need some time to make the transition and ensure the evidence is documented on Quickr correctly.

> *Yes this is no different to the evidence provided for the previous principles. The only difference will be reclassifying the evidence on Quickr.*
>
> *It would appear that a large number of the principles could be evidence through the implementation of a recognized quality management system such as ISO9001:2008 or EFQM. As these are independently audited on an annual basis perhaps consideration could be given to demonstrate compliance of these maintained systems.*
>
> *Time will need to be set aside to review and re-map our documents to ensure they continue to comply.*
>
> *We have only been accredited this year so, given the mapping provided, it should be possible to provide the evidence SQA Accreditation requires.*
>
> *Given time to check all the requirements, but as they seem similar to the current principles, we should be able to meet these.*
>
> *[We are] confident of meeting the Principles. However, clarification of what is required for Self-assessment is needed as this could be interpreted in many different ways. If SQA Accreditation is looking for something specific, then more information is required.*

One respondent who answered 'No' felt that, for new awarding bodies in particular, understanding the evidence required to demonstrate compliance could be quite difficult without further assistance:

> *In our view, the reduction in the number and detail of the principles, may make it more difficult for awarding bodies (particularly those new to SQA) to map their policies and procedures to the Principles and to understand the evidence required to demonstrate compliance to each Principle. If additional guidance is not available for the new principles, existing SQA-regulated awarding bodies may continue to refer to the additional information contained within the old principles document for further guidance on maintaining compliance, which may not be SQA's intention.*

8 In general, do you think there is a clear indication of what the expected outcomes are? If not, please specify below.

- 17 Respondents answered 'Yes'
- 2 Respondents answered 'No'
- 5 did not provide an answer

The majority of respondents felt that there was a clear indication of what the expected outcomes are:

> *Although not definitive, the guidance provides a clear indication of the type of evidence required.*
>
> *There is a clear indication of the outcomes awarding bodies must achieve.*

However, it was recognised by a number of stakeholders that there was a delicate balance between the Regulatory Principles being too restrictive and too broad. Difficulties could arise in the different ways the Principles are interpreted by each awarding body.

> *It does however rely on our interpretation compared to SQA Accreditation, as to whether the evidence supplied meets the requirements — however it is useful that SQA Accreditation are approachable and able to give advice.*
>
> *In summary I think there is clear indication however as these principles feel more generic and summaries rather than provide specific detail I feel these will be open to individual interpretation. Whilst I think awarding organisations should not be restricted by stipulating every criteria as I have echoed throughout this feedback more examples of required outcomes may help steer the very minimum requirements.*

There was also some concern from respondents for new awarding bodies who may require further guidance and documentation to ensure they could interpret the broad principles sufficiently:

> *As an existing awarding body we believe we know what you are looking for. This has come from experience and years of working closely with SQA Accreditation. However, if you are a new or aspiring awarding body then we think it could prove difficult. You may want to consider additional guidance for these organisations.*
>
> *Up to a point, but more guidance would be helpful, especially for awarding bodies unfamiliar with the previous set of principles.*
>
> *When taking the principles, requirements and guidance from the current Regulatory Principles together there is sufficient guidance of what would be expected. If the current guidance for the existing Regulatory Principles is no longer appropriate then the proposed regulatory principles would benefit from guidance documents to accompany the proposed principles and requirements. Otherwise interpretation could differ between organisations with no inherent right or wrong approach which could lead to a potential divergence in consistency between AOs.*

9 Guidance will be developed as part of the process. Which principles do you think most require guidance? Please explain your rationale.

There was a mixed response in regards to the need for guidance. Some respondents felt that guidance was not required as they wanted flexibility to meet the Principle, while others felt that, for new awarding bodies in particular guidance would be required.

> *Those which have regulatory directives do not need significant additional guidance as well. The guidance possibly needs to focus on terminology and related evidence expectations across each principle.*
>
> *This will probably be dependent on the experience of the awarding organization. There is always a balance to be achieved in the amount of guidance provided. Too much and it can be seen as prescriptive and too little may result in lack of clarity*
>
> *While guidance is useful, it is important that the guidance is not too prescriptive as every awarding body is different and must be able to apply the principles to their business model. [We] prefer to deal directly with the SQA Accreditation Manager as any issues arise. Personal contact is invaluable and allows us to iron out any issues.*

A number of respondents highlighted specific areas where guidance would be beneficial:

Example evidence

> *In the evidence requirements a list of actual documents required would help. Sometimes being more prescriptive can be better than leaving things open to interpretation, it can add to consistency of evidence.*
>
> *We would welcome any additional information/guidance that helps us to confirm compliance, particularly if this is in the form of exemplified evidence and in relation to the Requirements.*

Self-Assessment

> *It would be useful to have guidance on Principle 3, in particular in relation to the nature of the self-assessment that awarding bodies are required to undertake and the way in which SQA Accreditation expects to make use of that self-assessment in their monitoring of awarding bodies.*
>
> *Principle 3 requires that an awarding body's on-going review of its business processes must result in a self-assessment of its operations in relation to its SQA accredited qualifications. Guidance on when and how SQA may want sight of this self-assessment, and the type of evidence that it would wish to see for each of the Principles, will be required.*

Qualification design development and delivery

> *Principles that are more generally covered may require more guidance [like] 6 and 8.*
>
> *Particularly 7 - Effective delivery and overarching quality assurance of qualifications*
>
> *Principles 7, 8 and 9 represent the core of awarding bodies' work and should probably be the focus in terms of guidance.*

Principle 9 around the expectations of the level of control SQA Accreditation expects ABs to exert over centres particularly when they are non-compliant.

Other

For Principles 1, 2 and 3, it would be useful to provide guidance on what sources of evidence will be acceptable.

Guidance around Principles 4, 10 and 14 should contain comprehensive guidance on how Awarding Bodies work with centres and training providers to ensure a quality learning experience for individuals.

In our experience there can be very different views about the identification and handling of malpractice and this may be an area where Guidance would be useful

Principle 6 is not as clear as its predecessor and there is a risk that AOs will miss the point about having accurate published information on qualification structures, fees etc

I don't think any one principle statement requires any deeper guidance than the others. However, I believe it is important to ensure clarity of requirements – so perhaps inclusion, in the requirements column, of some kind of bullet pointed exemplars of documents, procedures, etc indicating good practice, would be beneficial.

10 Please add any other comments you would like to make on the proposed Regulatory Principles.

Overall, comments from respondents highlighted that they welcomed the streamlining of the Regulatory Principles, not only in the reduction from 25 to 15 but also in the inclusion of the Criteria for Accredited Qualifications. It was felt that the principles, on the whole, were clear and concise:

In comparison to other previous regulatory guidance from all regulators I particularly like, and hope that the language used within these principles are retained as the clear concise wording helps to eliminate any need for further interpretation, and therefore most requirements are clear from first glance.

Definitely a step in the right direction and cuts across the work of other regulators.

The Regulatory Principles very clearly set out how Awarding Bodies must operate in relation to accredited qualifications, including how they manage delivery of their qualifications by centres. This gives assurance of the quality and rigour of the qualification, the Modern Apprenticeship and learning process. This is an important contribution to the success of the Modern Apprenticeship programme for individuals in their employment and career progression, as well as for employers and sectors.

Respondents also appreciated that the Regulatory Principles allowed for flexibility so that awarding bodies could show compliance in ways that worked for them and their business practices:

The proposed Regulatory Principles seem to cover the essential elements whilst enabling Awarding Organisations to focus on commercial activities and potential use of 'naturally occurring evidence'.

The proposed Regulatory Principles seem to be clear, set at the right level and achievable. They are easier to understand and evidence than the 2011 Principles. The comments made here above points of detail not fundamental disagreements.

We support and value SQA's existing regulatory approach and commitment to true principle-based regulation.

However, there were some comments from awarding bodies regarding their frustrations with the changes being implemented so soon after the initial Regulatory Principles were introduced and also that they were not aligned more closely with the other UK regulators:

We are disappointed that changes are being proposed so soon after the introduction of the existing principles. What is wrong with what is in place? Frequent changes simply add to the workload of awarding bodies and centres.

There needs to be greater co-operation between the regulators and common conditions/criteria/principles established. When you are a small, sector specific awarding organisation, delivering competence based vocational qualifications, the argument about the need for differences to reflect different education systems carries no real weight. The companies we represent do not recognise geographical boundaries where their workforce is concerned. They need them to be flexible and mobile and have qualifications that are the same, not different for the sake of it.

[We] would like regulators to give consideration to those who they regulate by seeking to align some consistency thus provide us the ability for greater efficiency.

What is the rationale behind reduction of the number of principles? In particular, some of the high level detail on qualification design and assessment appears to have been greatly diluted, which is concerning.

5 Conclusion

The findings from both the focus group and consultation were closely aligned to each other with the key outputs identified during the focus group reflected in the wider consultation response. Feedback was overwhelmingly positive and in favour of the revised Regulatory Principles as presented at consultation, with some suggestions for improvement and clarity.

The response from stakeholders was that they welcomed the reduction in the number of principles, felt that they read in a more logical order and that the language and phrasing of the principles was clearer and more transparent than the original Regulatory Principles (2011). Overall, stakeholders understood the Principles and felt that they would be able to provide evidence to demonstrate compliance against them.

SQA Accreditation was also praised for the approachable nature of its staff and the support provided to its stakeholders on an ongoing basis. There was an underlying message in the feedback that, should awarding bodies encounter any issues with the implementation of the regulatory principles, they could easily contact a member of SQA Accreditation staff directly to ask any questions.

However, despite the positive feedback, a number of consistent messages and suggestions for improvements came from both the focus group and consultation. Some principles were identified as not being as transparent as they could be or requiring further clarification. Much of the feedback focused on column 2 and the changes that could be made to ensure stakeholders understood its purpose and the information presented within it. The key areas for improvement, change or further clarity were in regards to:

- the title 'Requirements' and intention of column 2
- inconsistencies in the language used throughout column 2
- a need for further differentiation between the principles relating to qualification design, development and delivery
- additional guidance on qualification design, development and delivery
- the position of Principle 7 in the running order of the principles
- more explicit reference to assessment
- further guidance on self-assessment and clarity on what SQA Accreditation's expectations of awarding bodies are

A range of other comments were also received from stakeholders such as the need for clarity between Principles 4 and 6 and questions on acceptable sources of evidence to demonstrate need/demand for a qualification.

In terms of implementation and support, a consistent message was that, although it was felt that the Principles themselves were clear and transparent overall, due to their broad and high-level nature it could be difficult for new awarding bodies to fully understand what is expected of them. An output from the focus group, which was also raised in the consultation, was that additional guidance for new awarding bodies would be a useful support tool for SQA Accreditation to provide.

Questions on transition periods and implementation were also raised in both the focus group and consultation. Feedback in general was that a transition period of six months to a year would be preferred. However, it was identified and understood that this was not necessarily

due to fundamental changes in the Principles themselves or how SQA Accreditation would regulate awarding bodies, but more to do with allowing awarding bodies time to ensure that the documentation they add to Quickr was in compliance with the revised Regulatory Principles. Feedback identified that the third column — Mapping and Reference — was a useful short-term tool to support the transition to the new Principles.

Feedback was therefore positive overall, with a number of suggestions and questions for SQA Accreditation to consider. Although there were consistent messages from stakeholders, there were also varying perspectives and opinions on the level of detail or flexibility that awarding bodies require. These conflicting expectations and opinions are to be expected when working with a range of different stakeholders, but the key message is that SQA Accreditation, as an enabling regulator, provides sufficient levels of support and should ensure that as far as is possible, a consistent approach to regulation is taken.

It is recommended that SQA Accreditation's Regulatory Principles project group use the findings presented in this report to inform any amendments and make the clarifications required to the Regulatory Principles before finalisation and launch on 1 April 2014.

Appendices

For further information and reference, please see the following appendices:

- Appendix 1 Consultation Document
- Appendix 2 Revised Regulatory Principles (Consultation Version)

Appendix 1: Consultation on the review of SQA Accreditation's Regulatory Principles, October 2013

Purpose

This consultation is seeking views on SQA Accreditation's review of its Regulatory Principles.

Background

SQA Accreditation currently regulates approved awarding bodies and their accredited qualifications according to the *Regulatory Principles (2011*), the Regulatory Principles Directives and the Criteria for Accredited Qualifications. These high level principles and the Criteria for Accredited Qualifications were introduced on 1 April 2012.

At SQA Accreditation's stakeholder event in March 2013, it was announced that following the first year of implementation, a review of the *Regulatory Principles (2011)* would be conducted.

SQA Accreditation staff considered feedback received from awarding bodies and have carried out an internal review of the *Regulatory Principles (2011)*. This activity has informed the reviewed principles presented here for consultation (appendix 1).

The key changes that have been made to SQA Accreditation's Regulatory Principles are as follows:

- The number of principles has been reduced from 25 to 15.
- The principles have been reworded to enhance transparency and improve clarity.
- An additional column has been provided indicating the minimum requirements expected to be achieved to demonstrate compliance. (Please note that this is not an exhaustive list.)
- A third column has been included which provides reference and mapping to key documents. (Ie the current Regulatory Principles, the Regulatory Principles Directives and the Criteria for Accredited Qualifications).
- The principles clearly reference Qualification Development and Design and as a result replace the Criteria for Accredited Qualifications.

SQA Accreditation is seeking views on the revised Regulatory Principles to identify any areas that require further improvement or clarity. Whilst the Regulatory Principles are directly applicable to SQA approved awarding bodies, responses from all stakeholders are encouraged.

Consultation Process

This consultation will be open for 12 weeks. The closing date for responses is **8 January 2014.**

The consultation questions are listed below in appendix 2.

Please respond:

- via the separate response form and return by email to laura.mccansh@sqa.org.uk , *or*
- you can respond online via the following link: https://www.surveymonkey.com/s/FM33ZXM

If you would like a hard copy of any documents sent to you via post, please contact laura.mccansh@sqa.org.uk.

What happens next?

As part of the consultation, a focus group will be held with selected stakeholders in mid-late November 2013. If you are happy to be contacted regarding participation, please notify us when prompted in the response form.

All responses will be analysed and considered along with other available evidence to help us reach a decision on finalising SQA Accreditation's Regulatory Principles.

The finalised version of the Regulatory Principles will be launched in 2014.

If you have any questions regarding this consultation, please email laura.mccansh@sqa.org.uk

Annexes

For further information and reference, please see the following:

1. Regulatory Principles (2011)

2. Regulatory Principles Directives

3. Criteria for Accredited Qualifications

These documents can all be accessed via our website:
http://www.sqa.org.uk/sqa/46986.html

Appendix 2: Regulatory Principles (Consultation Version October 2013)

Key

RP	Existing Regulatory Principle
AC	Criteria for Accredited Qualifications
RPDIR	Existing Regulatory Directive

Principle (proposed)	Requirements (proposed)	References and mapping to existing Principles, Criteria and Regulatory Directives*
1 The awarding body shall have clearly defined governance arrangements, constitution and operational functions.	The awarding body must demonstrate that it has governance arrangements and an organisational structure which support awarding body functions. To include key committees and groups, partnership arrangements, conflicts of interest, policies and procedures.	NEW – relates to section on governance but no specific RP.
2 The awarding body shall have clearly defined business planning processes which show evidence of management commitment, decision making and on-going review.	The awarding body's objectives must be clearly defined, measurable, show evidence of review and give consideration to SQA accredited qualifications. The awarding body must ensure that they employ robust processes to protect their own business interests, as well as the interests of their providers and learners and have systems in place to manage risk including business continuity and financial planning.	RP3
3 The awarding body shall continually review the effectiveness of its business services, systems, policies and processes.	The awarding body must have systems in place which facilitate continual improvement, show evidence of regular review and evaluation of its key business activities, customer service, policies, systems and procedures that affect SQA accredited qualifications. The findings from on-going review must result in a self-assessment of the awarding body's operations in relation to their SQA accredited qualifications. The awarding body must take appropriate measures to identify business risk and where appropriate take preventative or	RP4 & RP5

	corrective action. The awarding body must ensure that they conduct their operations ethically, taking account of all relevant legislation.	
4 The awarding body shall have effective arrangements for communicating with its staff, stakeholders and SQA Accreditation.	The awarding body must demonstrate how it effectively communicates with staff, providers, learners and external stakeholders, such as standard setting bodies, government agencies, employers and SQA Accreditation. The awarding body must nominate an Accountable Officer and deal with SQA Accreditation in an open and co-operative way and disclose anything which SQA Accreditation would reasonably expect to be made aware. The awarding body must be able to demonstrate how it promotes SQA accredited qualifications and SQA Accreditation requirements.	RP1 (although RP1 only covers communication with SQA Accreditation).
5 The awarding body shall ensure that SQA Accreditation is granted access to all information pertaining to SQA accredited qualifications.	The awarding body is responsible for ensuring that SQA Accreditation has access to: ♦ awarding body premises and staff ♦ providers ♦ assessment sites ♦ learners ♦ records, documents and data for the purposes of quality assurance and monitoring activity. The awarding body must also make all providers, delivering accredited qualifications, aware of SQA Accreditation's right of access.	RP7 RPDIR-2
6 The awarding body shall publish clear information on SQA accredited qualifications.	The awarding body must ensure that its policies, processes, systems, guidance and publications make appropriate reference to SQA accredited qualifications and SQA Accreditation. The awarding body must be able to demonstrate how it effectively promotes SQA accredited qualifications and how providers are aware of SQA Accreditation requirements.	RP2

7	The awarding body shall ensure it has the necessary arrangements and resources for the effective delivery and overarching quality assurance of qualifications.	The awarding body must have the relevant expertise, quality assurance procedures, technology, human resources and other physical resources to carry out its regulated functions. The awarding body must have the systems and procedures for monitoring the quality and consistency of assessment and ensuring standards are maintained.	RP6, RP11 & RP12 AC1.5 & AC1.6 RPDIR-1
8	The awarding body shall ensure that it has robust systems and processes for the identification, design, development, review and implementation of qualifications which meet the needs of users.	With specific regard to SQA Accredited qualifications, the awarding body must be able to demonstrate the application of the following : ♦ identifying the need/demand for a qualification ♦ designing and developing qualifications (including identification of appropriate assessment methods and quality assurance systems which are fit for purpose for the qualification) ♦ maintaining and reviewing qualifications	RP8 (The following Regulatory Principles are all part of qualification design & development processes RP9, RP10, RP16 & RP17 partial). AC1.1, AC1.2, AC1.3 & AC1.4 RPDIR – 3 & RPDIR - 4
9	The awarding body shall ensure its providers have the necessary arrangements and resources for effective delivery, assessment and quality assurance of qualifications.	The awarding body must ensure that its providers have the necessary resources and arrangements to comply with its requirements for the delivery, assessment and quality assurance of SQA accredited qualifications.	RP6, RP11 & RP12 AC1.5 & AC1.6

10 The awarding body shall ensure that its qualifications and their assessment are inclusive and accessible to learners.	The awarding body must demonstrate how its equality and diversity policies comply with current legislation. The awarding body must have clearly defined processes for reasonable adjustments. Where appropriate, the awarding body must define any barriers, requirements or conditions which could affect standards. The awarding body must ensure that there are no unnecessary barriers to entry or assessment or state the reason why particular requirements have been included.	RP13, RP 14 & RP15
11 The awarding body shall have open and transparent systems to manage complaints.	The awarding body must deal with complaints on an equitable basis, in line with their published procedures and timescales, and without unreasonable delay. The awarding body, its providers and learners must be made aware of how and when they can complain to SQA Accreditation. Where a complaint is upheld, the awarding body and/or provider must take appropriate, preventative and/or corrective action.	RP18 RPDIR-5
12 The awarding body shall have clear, fair and equitable procedures to manage appeals.	The awarding body must have clear procedures and timescales for appeals including a stage for independent review.	RP23 & RP25
13 The awarding body shall ensure that it has safeguards to prevent and manage cases of malpractice and maladministration.	The awarding body must have clearly defined processes to deal with malpractice and maladministration and must inform SQA Accreditation when any cases, or suspected cases, of malpractice and/or maladministration are discovered. The awarding body must develop and implement corrective action plans to prevent further occurrence. The awarding body, their providers and learners must be made aware of how and when they can appeal.	RP 19 & RP20

14 The awarding body shall have effective, reliable and secure systems for the registration and certification of learners.	The awarding body must maintain systems which hold secure information on learner achievement and progress and comply with relevant legislation. Awarding bodies must ensure that qualification and Unit certificates (including replacements): ♦ meet SQA Accreditation's minimum requirements ♦ reflect learner achievement ♦ are only issued on the basis of a valid claim ♦ are designed to protect against fraudulent use ♦ have published timescales for issue ♦ are revoked where fraud or malpractice has been identified	RP 21 & RP22 RPDIR-2, RPDIR-3 & RPDIR-4.
15 The awarding body shall maintain accurate records, documents and data	The awarding body must: ♦ have systems in place for the version control of documents ♦ specify appropriate retention periods for records and data, including assessment records held by providers ♦ maintain accurate records on third parties ♦ ensure the accuracy and currency of information shared with SQA Accreditation	NEW RP24 (partial). RPDIR-2