

Ofqual Board

Paper 83/17

Date:

28 March 2018

Title:

Corporate Plan and Regulatory Burden Statement

Report by:

Christine Forde & Michael Hanton

Responsible Director:

Michelle Meadows

Paper for review and decision

Open paper



Issue

1. Each year we publish a Corporate Plan setting out our planned activities for the next three years. We have a statutory duty to publish an annual Regulatory Burden Statement. The Board are asked to agree the Corporate Plan for publication and endorse the Burden Statement. Both will be published on 3rd April.

Recommendation

2. Following the Board Strategy Day and subsequent electronic circulation of the Corporate Plan for comment, the Board are asked to agree the Corporate Plan, attached at Annex A, for publication on 3rd April.
3. The Board is asked to review and endorse the Statement attached at Annex B.

Corporate Plan

OFFICIAL – SENSITIVE

4. The Board Strategy Day in February began with a discussion of our statutory objectives and how these will be addressed through our strategic goals in the year ahead. Subsequent to the strategy day the Board received an electronic copy of the draft Corporate Plan for 2018-21 for review. This draft incorporated the feedback and steer of the Board from the Strategy Day.
5. In particular the plan reflects the Board's desire that we continue to increase our investment in and attention to 'national' technical and vocational qualifications. The opportunity to reform these qualifications enables a long term approach to regulation where we can ensure that their design enables valid assessment and the maintenance of standards.
6. In the longer term, with reformed qualifications in place, we will be well positioned to give similar regulatory attention and focus to these national technical and vocational qualifications as is currently the case for general qualifications. The exact approach to how we regulate national technical and vocational qualifications will of course differ to general qualifications in the specific processes and tools used – to reflect differences in their purpose, design, use and areas of risk.
7. As discussed at the Board Strategy Day, the exact qualifications within the group of 'national' technical and vocational qualifications is currently emerging rather than fixed. The characteristics that are of relevance are where there is:
 - a. Government led common content
 - b. Government set purpose
 - c. Use in entry to higher education
 - d. Targeting to 14-19 year olds with delivery in schools and/or further education
 - e. Specific alignment to government agendas – such as the promotion of digital skills.
8. Inclusion in performance tables is a further factor that exposes such qualifications to specific risks, and would influence our approach.
9. At present in this group we are including:
 - a. Applied General and Tech Level qualifications
 - b. Functional skills qualifications
 - c. Qualifications included in T levels
 - d. Apprenticeship End Point Assessments
 - e. Qualifications currently included in performance tables
10. Government is considering reviews of qualifications at Level 2, Levels 4 & 5 and digital skills qualifications too. The opportunity of these reviews and any subsequent reform that may follow will provide the opportunity to define further those qualifications that we consider in this 'national' technical and vocational qualifications grouping.

OFFICIAL – SENSITIVE

11. More broadly, the Corporate Plan reflects the approach discussed at the Strategy day to our five statutory objectives – with a continued primary focus on the standards and public confidence objectives. Other, more limited strands of work address our other three objectives.
12. Each year we receive positive (albeit limited) feedback from stakeholders on the plan. We have retained the use of clear, straightforward bullet points to set out our strands of activity. However after three years of a similar design, this year's plan will have a updated look.
13. Subject to final approval from the Board today, it will be published on 3rd April, with copies sent to key stakeholders including the Education Select Committee.

Regulatory Burden Statement

14. We have a statutory duty to publish an annual Regulatory Burden Statement. The Statement sets out how we have reviewed our regulatory functions to ensure that we do not impose or maintain any unnecessary burdens.
15. The Statement is required to cover the following:
 - a. What we have done in the past year to keep our regulatory functions under review and ensure that we do not impose or maintain any unnecessary burden.
 - b. How we plan to secure that our regulatory functions do not impose or maintain unnecessary burdens.
16. A regulatory function is anything requiring an awarding organisation to do something or not to do something, such as, when we set criteria that awarding organisations must meet to enter the regulated qualifications market. We also set out the ongoing requirements that all awarding organisations must meet in the General Conditions of Recognition. A regulatory function also includes anything that guides an awarding organisation in a particular direction, including statutory guidance and enforcement action.
17. We view burden as a requirement placed directly on an awarding organisation that may include financial cost, administrative inconvenience, and / or an obstacle to efficiency, productivity, profitability.
18. Burden is a necessary and proper part of regulation. As such our objective is not to remove burden – rather to ensure that it is always exceeded by the benefits achieved through the measures we employ.

OFFICIAL – SENSITIVE

19. As we have matured, we have increased our regulatory scrutiny over a range of qualifications. This will inevitably generate some additional burden, but we consider this proportionate in order to achieve our statutory objectives. Managing burden well continues to be an important part of our work. We have focussed more attention on assessing and monitoring burden, as well as identifying ways to reduce it. A number of positive initiatives to reduce burden are illustrated in the Statement.
20. Our annual reporting requirement through the Burden Statement sits alongside other obligations to publish business impact target assessments, and to report on our growth duty obligations.
21. The Statement will be published alongside our corporate plan on 3rd April.

Finance and Resource

22. The commitments in the Corporate Plan are deliverable within our existing resource allocation, bar reform commitments where we are actively engaged in securing additional resources.

Impact Assessments

Equality Analysis

23. Key strands of work set out in the Corporate Plan, where decisions are required, will be separately reviewed for equality impact. The Corporate Plan includes a commitment to keep under review the use of reasonable adjustments for disabled students and the use of special consideration arrangements for students who are affected by an event outside of their control when they are taking their exams.

Risk Assessment

24. The Corporate Plan has been developed in response to our annual systemic risk analysis, reported to the Board in October 2017. One of the criteria for potential escalation to the Strategic Risk Register is risk to delivery of Corporate Plan commitments.
25. Our approach to Regulatory Burden factors our risk based approach to regulation as a way of ensuring that actions are proportionate and not unnecessarily burdensome.

Regulatory Impact Assessment

26. The commitments set out in the Corporate Plan will inevitably have regulatory impacts for Awarding Organisations. Whilst the commitments have been deemed necessary and proportionate to the level of associated

OFFICIAL – SENSITIVE

risk, each action will be individually impact assessed for potential regulatory burden.

27. Publishing our Regulatory Burden Statement is an important mechanism for transparency in the approach we take to ensuring that any burden we impose is necessary and justified.

Communications

28. Both the Corporate Plan and Regulatory Burden Statement will be published on 3rd April as standalone documents. Copies of the Corporate Plan will be sent to key stakeholders, including the Education Select Committee.

29. We anticipate limited interest from specialist press and key stakeholders.

Paper to be published	Yes
Publication date (if relevant)	After the meeting
If it is proposed not to publish the paper or to not publish in full please outline the reasons why with reference to the exemptions available under the Freedom of Information Act (FOIA), please include references to specific paragraphs	

ANNEXES LIST:-

ANNEX A Corporate Plan 2018-21

ANNEX B Regulatory Burden Statement – April 2017 to March 2018