



Priority Qualifications List and Restricted Priority Qualifications Policy



May 2022

Version Control

This is version 2 of the Priority Qualifications List and Restricted Priority Qualifications Policy. Changes were made following a policy review in 2021 which included revising the associated Schemes for the selection and commissioning of restricted priority qualifications and introducing a new Scheme on the approval of non-priority qualifications.

Section 47(1)(b) of the Qualifications Wales Act 2015 (“the Act”) requires us to publish a statement of our policy with respect to the exercise of our functions under Part 4 of the Act, which includes provisions on priority qualifications, restricted priority qualifications, and the approval of non- priority qualifications.

We keep our policy statements prepared under section 47 of the Act under regular review and we welcome feedback at any time. Please send any comments to policy@qualificationswales.org.

This policy is also available in [Welsh](#).

Contents

Background and Context	3
Approved qualifications	3
Priority qualifications and restricted priority qualifications	3
The Priority Qualifications List	4
Including qualifications on the Priority Qualifications List	5
Approval of qualifications on the List	6
Maintenance of the List	6
Restricted priority qualifications	7
Commissioning of a new Restricted Priority Qualification	9
Selection of a Restricted Priority Qualification	10
Transitional arrangements for legacy qualifications	11
Revocation or variation of a Restricted Priority Qualification	11
Non-priority qualifications	12

Background and Context

1. This policy covers the approval of priority qualifications, including restricted priority qualifications, and the approval of non-priority qualifications.
2. This policy will be of interest to all our stakeholders, including in particular, awarding bodies, users of qualifications in Wales and Welsh Ministers. It explains how we will exercise our functions in relation to the approval of qualifications, prioritising qualifications, restricting the number of qualifications, and securing restricted priority qualifications through commissioning and selection.
3. The policy covers:
 - the use of the Priority Qualifications List (“the List”) in considering qualifications for approval;
 - how the List will be created and maintained;
 - the reasons for restricting priority qualifications;
 - the process by which priority qualifications are restricted;
 - the factors we will take into account in determining whether to consider a qualification that is not included on the List for approval, and
 - the process by which non-priority qualifications are approved.
4. This policy does not incorporate either [the List](#) or the criteria used in the [approval of qualifications](#).

Approved qualifications

5. All Approved qualifications have met specific Approval criteria which have been developed and published by us. Recognised awarding bodies must demonstrate that their design of a qualification meets these criteria before we approve that form of qualification.
6. We will approve the qualifications for a specific period, and they can only be awarded with the identified approval number in Wales. In this way, we ensure that Approved qualifications are designed to meet the needs of learners in Wales. Approved qualifications are eligible for use on publicly funded courses of training or education for learners under 19.

Priority qualifications and restricted priority qualifications

7. Approved qualifications can be identified as a priority for us and Welsh Ministers. In such cases, Qualifications Wales and Welsh Ministers jointly agree these Priority Qualifications and they are included on the [Priority](#)

[Qualifications List](#), signalling that we intend to prioritise these in our qualification reform programme of work and take action to secure them in the Welsh qualification system.

8. The Act allows us to enter into arrangements with an awarding body to develop a Restricted Priority Qualification. This means that we will limit the number of forms (or 'versions') of a qualification that may be approved at any time. This is to avoid inconsistencies between different forms of the same qualification and to enable us to make a choice between different awarding bodies or between different forms of qualification.
9. We can secure the restriction of a priority qualification in two ways, by selection or by commissioning. In compliance with the Act, we must develop and publish separate schemes outlining the process involved in both routes. Further information on these Schemes are available in paragraphs 46 and 53 of this policy.

The Priority Qualifications List

10. Section 13 of the Act (Duty to prepare list of priority qualifications) outlines the duty of Qualifications Wales and the Welsh Ministers to jointly prepare a Priority Qualifications List.
11. A qualification may be included on the List *"when Qualifications Wales and Welsh Ministers are satisfied that ensuring and maintaining public confidence in the qualification is a priority for Qualifications Wales, by reason of the significance of the qualification having regards to the needs of learners and employers in Wales"*¹.
12. The List enables us to take a planned, structured and scheduled approach to the approval of priority qualifications. It also enables us to focus public resources most effectively on qualifications that are most significant, whilst also having the flexibility to consider whether or not to approve a non-priority qualification. It is not intended to communicate the relevant importance of one qualification or a form of qualification over another.
13. The List may include individual qualifications or descriptions of qualifications. It is split into three main sections:

¹ <http://www.legislation.gov.uk/anaw/2015/5/contents/enacted>

- a) Qualifications with a current priority approval period. The consideration of these qualifications for approval is a priority for us as outlined in paragraph 19 of this policy;
- b) Restricted priority qualifications. This is divided into two parts. Part 1 relates to those qualifications where Qualifications Wales has an intention to restrict. Representations in response to the notification to restrict will be considered before any determination to restrict is published. Determinations to restrict are indicated in Part 2;
- c) Unrestricted priority qualifications with priority approval periods that have expired.

14. The List is published on our website and maintained to ensure it is up to date. There is also a published [protocol](#) for the development and ongoing review of the List that has been agreed between us and Welsh Government.

Including qualifications on the Priority Qualifications List

15. In deciding which qualifications to include on the List, we will consider our principal aims (as set out in section 3 of the Act) of ensuring that qualifications and the Welsh qualification system are effective for meeting the reasonable needs of learners in Wales and promoting public confidence in qualifications and the Welsh qualification system.
16. When we include a qualification or description of qualification on the List, we set out our programme of work, signalling that we are prioritising these qualifications and, where appropriate, intend to use additional powers to secure the qualifications through commissioning or selection. If, on occasion, we need to prioritise our resources, we will prioritise the approval of qualifications that are on the List over the approval of qualifications that are not on the List (non-priority qualifications).
17. The following are examples of situations in which we may deem a qualification or description of qualification for inclusion on the List. These examples are not exhaustive:
- a) planned changes mean that existing qualifications no longer meet curriculum or skills requirements;
 - b) a gap has been identified in the skills of a workforce in an employment sector that employs a large number of people or is of significance to the Welsh economy; and
 - c) a gap has been identified in a progression pathway which currently exists for learners.

18. We will also adopt a “Forward Look” approach to identifying qualifications that may be included on the List at a later date. The Forward Look signals the early development of approval criteria for these qualifications and provides awarding bodies notice of likely future priorities. We publish the Forward Look with the List on our website.

Approval of qualifications on the List

19. [Approval criteria](#) and rules about submitting qualifications for approval are published on our website. Approved qualifications will be identified as such on the Qualifications in Wales (QiW)² database.
20. Where we have made the decision to restrict the number of forms of a priority qualification, we will publish a Determination to Restrict notice prior to the publication of approval criteria.
21. Following the end of the priority approval period of each qualification on the List, each such qualification will be moved to the ‘Qualifications with expired priority approval periods’ section. In instances where we still have published approval criteria, recognised awarding bodies may still submit applications for approval of such qualifications. We will communicate timescales to awarding bodies upon submission of applications for approval.

Maintenance of the List

22. The List will be reviewed at regular intervals and updated, where appropriate and with the agreement of Welsh Ministers, as and when Qualifications Wales identifies that a qualification is a priority and there are new approval criteria. The publication of new approval criteria is likely to result in changes to the List.
23. In setting the approval period for priority qualifications, we will consider the timescale required to enable effective delivery of the qualification by the anticipated date for first teaching.
24. We will notify awarding bodies that designation of qualifications similar to those on the List will end at a given date, to coincide with the availability of newly Approved qualifications.

² QiW [Qualifications in Wales \(qiw.wales\)](http://qiw.wales)

25. When qualifications are added to the List, we will communicate the timing and duration of the priority approval period to awarding bodies.

Restricted priority qualifications

26. Section 14 of the Act allows us to restrict the number of forms of a priority qualification. A restriction will limit the number of forms (or 'versions') of a qualification that can be approved and offered in the system at any time.

27. Priority qualifications can be restricted whereas non-priority qualifications cannot. We will restrict when we are satisfied that it is desirable to do so, having regard to the principal aims and the objectives to:

- avoid inconsistency between different forms of the same qualification (by reference to the level of attainment indicated by different forms of the same qualification, or otherwise), and
- to enable Qualifications Wales to exercise a choice between different awarding bodies or different forms of qualification as outlined under section 14(4) of the Act.

28. We use a range of sources including sector and thematic reviews, stakeholder engagement and market research to determine which qualifications to restrict.

29. The following are examples of situations in which we may consider a restriction of a priority qualification. These examples are not exhaustive:

- where there is a need for specific qualification content in Wales due to curriculum or devolved policy requirements;
- where there is a need for specific assessment arrangements in Wales due to curriculum or devolved policy requirements;
- where restriction would support the economic viability for awarding bodies to develop such qualifications for Wales;
- where restriction would support the availability of qualifications in sector areas which are deemed a priority, and
- where we identify that inconsistency between different existing forms of the same qualification is significant and problematic.

30. We will consider on a case-by-case basis whether to apply a restriction to a qualification and how many forms the qualification should be restricted to and for what time period. Such consideration will be based on a range of sources of information including reviews of existing provision, stakeholder feedback, market research, and an impact assessment. In considering whether to develop a proposal to restrict, we will consider the options available and

evaluate their effectiveness in meeting the aims and objectives outlined in paragraph 31.

31. If we propose to apply a restriction to a qualification, before doing so we will notify each recognised body, and any other parties that we consider might reasonably be expected to have an interest in the outcome of the proposal. 'Other parties' may include the learning providers who enter candidates for qualifications, such as schools, Further Education Institutions and Corporations, sector bodies and work based learning providers.
32. The notification will include the subject of the proposed restriction, the rationale for the proposed restriction, supporting evidence and information on the arrangements relating to any restriction that we are considering. The notification may also form part of a wider consultation.
33. We will publish our intention to restrict, and we will consider any representations made by respondents in respect of the proposal.
34. Where an awarding body has raised objections to the proposed restriction this will not prejudice the outcome of any subsequent commissioning or selection process. Where any awarding body can demonstrate to the reasonable satisfaction of Qualifications Wales that there is a danger of prejudice, this will be managed by appropriate steps, for example, by ensuring separation of duties for staff involved where appropriate.
35. We will publish a determination of a restricted priority qualification as required by section 14(5) of the Act. A determination will specify the maximum number of forms of the qualification that may be approved at any one time and may indicate whether we intend to adopt the commissioning or selection route in respect of the restricted priority qualification.
36. The first route, set out in section 15 (Power to make arrangements for development of restricted priority qualification) and section 16 (Approval of a restricted priority qualification developed in accordance with section 15 arrangements) of the Act, is for us to enter into a contractual arrangement with awarding bodies for the development of a new form of a restricted priority qualification which will then be submitted to us for approval. We refer to this route as the 'commissioning' route.
37. The second route, set out in section 17 (Approval of a restricted priority qualification in the absence of section 15 arrangements), is for us to approve one or more versions of a qualification from those submitted for approval in line with the number we have specified in our determination to restrict. We

refer to this route as the 'selection' route. This will involve the selection of existing qualifications for approval by recognised awarding bodies.

38. Information on the procedures we will follow for Selection and Commissioning are outlined in the respective Schemes.³ Whether the commissioning or selection route is used, the process will align with our Regulatory Framework and Approach and the principles of better regulation.
39. Section 23 (Duration of approval) of the Act provides that we will grant approval of the restricted priority qualification for a limited period specified at the time of granting approval. We envisage that this would normally be for a period of up to 5 years.
40. At least one year prior to a restricted priority qualification expiry date, we will review the objectives of the initial determination and consider whether a further restriction should be applied. If we propose to apply a further restriction, we will follow the process outlined in paragraphs 34-43 above: the choice of awarding body will again be subject to open, fair and transparent competition.

Commissioning of a new Restricted Priority Qualification

41. Section 15 of the Act provides that we may enter into arrangements with an awarding body for the development of a new form of a restricted priority qualification and that we must prepare and publish a scheme about the making of such arrangements. We refer to this as the 'commissioning' route.
42. Our [published Scheme made under section 15](#) of the Act sets out the general procedure that we will follow when commissioning a new restricted priority qualification and may be supplemented with documentation specific to each potential restriction. In broad terms, where the Concession Contracts Regulations 2016 apply to the commission, we will proceed in accordance with those Regulations. In other cases, we will apply our own procedure which will be in line with our procurement policy.
43. In either case, this will involve a staged bidding process, applying the principles of transparency, non-discrimination and equal treatment. Once the commission to develop the qualification(s) has been awarded, we will have close oversight of the work of the commissioned awarding body as it develops the qualification.

³ [Scheme made under Section 15 of the Qualifications Wales Act 2015](#) (Scheme for commissioning a restricted priority qualification), and [Scheme made under Section 17 of the Qualifications Wales Act 2015](#) (Scheme for selecting a restricted priority qualification)

44. Once a commissioned restricted priority qualification has been developed by an awarding body it must be submitted for approval. We will review the qualification against the relevant approval criteria which we have published under Section 20 (Approval criteria) of the Act.
45. If the qualification meets the approval criteria, the qualification will be approved. If it does not meet the approval criteria, the awarding body will be asked to revise the qualification to meet the criteria. We may specify a time limit for such revisions to be made. Failure to meet the approval criteria and/or to address the necessary revisions within this time limit may lead to termination of the commission.
46. Only commissioned awarding bodies will be able to offer the restricted qualification, as "Approved", in accordance with the period set out in the Determination to Restrict and this is usually the same as the approval period unless approval is surrendered or withdrawn. This will be subject to transitional arrangements for legacy qualifications to ensure that learners who have already started courses leading to a qualification that becomes a legacy qualification are not unfairly disadvantaged.
47. We will not designate any form of qualification that is subject to a restriction or which in our judgment is the same as, or similar to, a restricted priority qualification, particularly where a qualification could be chosen as an alternative to a restricted priority qualification.

Selection of a Restricted Priority Qualification

48. Section 17 of the Act provides that we may approve a form of a qualification that is a restricted priority qualification where we do not intend to enter into arrangements under section 15. We refer to this as the 'selection' route.
49. We must prepare and publish a scheme for selecting qualifications that adheres to our [Regulatory Framework and Approach](#) and is guided by the five principles of good regulation. The procedure we will follow is set out in our [Scheme made under section 17 of the Act](#).
50. Qualifications submitted by awarding bodies for selection, will first need to meet the approval criteria and of those, we will select the number of forms of the qualification using selection criteria.

51. Awarding bodies may appeal against the selection decision through our [Regulatory Appeals Policy](#) within 20 working days of the notification of the decision.
52. Only the awarding bodies whose qualification has been selected will be able to offer the restricted qualification, as “Approved”, until the restriction period expires (or approval is surrendered or withdrawn). This will be subject to transitional arrangements for legacy qualifications to ensure that learners who have already started courses leading to legacy qualifications are not unfairly disadvantaged.
53. We will not designate any form of qualification that is subject to a restriction or which in our judgment is the same as or similar in purpose to a restricted priority qualification, particularly where a qualification could be chosen as an alternative to a restricted priority qualification.

Transitional arrangements for legacy qualifications

54. Transitional arrangements may be implemented where withdrawal of approval or revocation of designation is made on the basis that the qualification or description of qualification concerned is now restricted.
55. Such arrangements will be made in accordance with the requirements and timescales outlined in Sections 27 (*Withdrawal of approval*) and 32 (*Revocation of section 29 designations*) of the Act and have regard to the need to avoid prejudice to persons who are seeking or might reasonably be expected to seek to obtain the form of qualification.
56. As such transitional arrangements will enable registered learners to complete their qualification and may mean that existing forms of the qualification continue following the determination of a restriction for the purposes of enabling learners to complete their qualification. Such arrangements will have a clearly defined end date and will not be available to new learner registrations from the 1 September falling in the year after the decision to revoke has been made.

Revocation or variation of a Restricted Priority Qualification

57. We may (in accordance with the terms of any agreement between ourselves and the awarding body) revoke or vary a determination of a restricted priority qualification where for instance it has come to our attention that the objectives of the determination have altered or are not being met.

58. In such cases we will, before publishing any determination to revoke or vary:

- notify each recognised body, and any other parties that we consider might reasonably be expected to have an interest in the proposed determination, of the proposal (including the rationale for the proposal), and
- consider any representations made to it by those persons in respect of the proposal.

Non-priority qualifications

59. The Act also allows us to publish approval criteria and consider a qualification that is not on the List (a non-priority qualification) for approval.

60. The factors we are likely to take into account in determining whether to consider the form of the qualification for approval include, but is not limited to, the following:

- the qualification is offered by a recognised awarding body;
- the awarding body is recognised to award such qualifications or description of qualifications;
- we have developed and published approval criteria for the qualification, or description of qualification;
- the qualification is not considered to be the same or similar to an Approved qualification (for further detail on same or similar qualifications, please see our [Designation Policy](#));
- the qualification is deemed to add value to the Approved qualification offer, and to have sufficient support from Users of qualifications;
- the qualification is not deemed to be a current priority for approval as part of our qualification reform programme of work;
- the qualification submitted for approval is not included on the Priority Qualifications List, and
- there is a greater degree of flexibility in respect of approving the qualification as eligible for publicly funded courses for learners under the age of 19 and making the qualification available for first teaching.

61. In approving non-priority qualifications, we will set and publish approval criteria to be applied in deciding whether to approve such qualifications, and recognised awarding bodies will be notified that they may subsequently submit an application for approval. However, we may also decide to set and publish Approval Criteria following a request from an awarding body to approve a form of qualification for award in Wales.

62. We must prepare and publish a Scheme setting out the procedure that we will follow when considering a non-priority qualification for approval. Our published [Scheme made under section 19 of the Act](#) sets out the factors we are likely take into account in determining whether to consider applications for approval of non-priority qualifications. The Scheme also sets out our procedure for approving such qualifications.