Aligning Public Funding to Key Qualifications identified by Sector Skills Councils / Sector Bodies / Standard Setting Bodies

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Purpose

1 This document outlines the first phase of the work that the LSC has undertaken with the UK Commission for Employment and Skills (UKCES) and Sector Skills Councils (SSCs), Sector Bodies (SBs) and some Standard Setting Bodies (SSBs) to develop processes to align public funding with vocational qualifications approved by SSCs / SBs / SSBs and identified by SSCs / SBs / SSBs as priorities for public funding. This document follows on from the 2009/10 Annual Statement of Priorities and signals the changes in public funding that will begin from 1 August 2009 for the Qualifications and Credit Framework (QCF) whilst the wider programme of Vocational Qualification Reform continues to be implemented.

2 This briefing note provides details of the:
   a background and context of the process
   b list of ineligible qualifications from 2009/10
   c the appeals process (Annex A and B)
   d pro forma for appeals (Annex C)

Background and introduction

3 The UK Vocational Qualifications Reform Programme (UK VQRP) is a UK wide programme for introducing significant changes to the vocational qualifications system, particularly in England, Wales and Northern Ireland, with the aim of creating a system:
   • Based on learner and employer need;
   • With greater clarity and more flexibility and choice;

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1 Available on the internet http://qfr.lsc.gov.uk/ukvqrp/support.
• Encouraging a more skilled and productive workforce;
• Allowing individuals to fulfil their potential; and
• Supporting greater social justice and opportunity.

4 In order to deliver the aims of the UK VQR Programme, a number of key activities need to take place. These include developing:

- A Qualifications and Credit Framework (QCF) that provides learners with the ability to accumulate credit on their way to completing qualifications
- A regulatory framework to ensure the system embeds the aims of the VQR into the qualification system
- A qualification approvals process for the SSCs to approve qualifications
- SQS Action Plans in conjunction with the Awarding Organisations (AO) that incorporates QCF and meets learner and employer needs
- Qualifications for submission to the QCF that are in line with SQS Action Plans
- A funding process that supports the QCF and wider VQRP, encouraging end user engagement
- A readiness strategy to ensure that Learning Providers are bought into the QCF in order to drive learner engagement in the QCF.

5 The Secretary of State for Innovation, Universities and Skills has announced that the QCF will be implemented by 2010. The LSC has a remit to deliver the implementation of the QCF across the sector, specifically the development and delivery of a QCF service which will support credit accumulation and transfer and the development and delivery of planning, funding and performance systems which will support the QCF.

6 In the LSCs Statement of Priorities (November 2007) and the Update and Addendum to the Statement of Priorities: Aligning Public Funding with Priority Vocational Qualifications in England the LSC stated that from August 2009, we will progressively align funding with the vocational qualifications approved by SSCs / SBs / SSBs within the context of their SQS. This takes forward the recommendation in the Leitch Implementation Plan for England and is integral to the Government’s longer term vision for increasing the skills of the workforce to make the UK a world leader on skills. This commitment was restated in the LSC’s Statement of Priorities (November 2008 where the aspiration to focus funding on the QCF from 2010 is clear and where we commit to publishing an initial list of those qualifications which SSCs / SBs / SSBs have advised the LSC should no longer be eligible for public funding.

7 As part of the process of aligning public funding to the QCF, LSC, the UK CES and The Alliance of Sector Skills Councils are now jointly remitted to ensure that key vocational qualifications are reformed and available in the
QCF by 2010. In this context key qualifications will be those qualifications which SSCs / SBs / SSBs advise the LSC should be funded on the QCF and which will deliver government and sectoral targets and priorities.

**Aligning Public Funding to SSC Priorities in 2009/10**

8 The list of qualifications which accompanies this document is the result of work carried out during the summer by the majority of SSCs / SBs / SSBs working through their SQS action plans and advising the LSC of their plans for the reform of vocational qualifications. As part of this process SSCs / SBs / SSBs have advised the LSC of those qualifications which should continue to be eligible for public funding and those which should no longer be eligible. LSC and UK CES and SSCs are now working to identify a definitive list of key qualifications which will be identified by SSCs for development and accreditation onto the QCF leading to 2010. It is anticipated that a first list of those key qualifications for the QCF will be published in March 2009 with a final refinement in June 2009. These lists will identify those key qualifications which SSCs and associated bodies have prioritised for QCF development and to which public funding will be aligned as they become available. The list will identify the qualification(s) and timescale for development.

9 From 1 August 2009 the LSC will start to prioritise funding on
   a those vocational qualifications within SQS action plans which are accredited onto the QCF; and
   b we are advised by SSCs / SBs / SSBs should be priorities for public funding; and
   c which meet LSC’s programme eligibility for funding.  

10 SQS action plans provide details of all the qualifications identified within a SSCs / SBs / SSBs footprint (as at the end of July 2008). They indicate for both NQF and current QCF qualifications the SSCs / SBs / SSBs plans for reform in terms of those qualifications which are planned for:

   - development into QCF
   - withdrawal/removal and therefore not planned for QCF development
   - review by SSC.

11 The LSC accepts that the reform of vocational qualifications is an on-going process and SSCs / SBs / SSBs will not be in a position to provide definitive information concerning their plans for qualification development. The implications of this are that SQS action plans will remain as live/working documents which SSCs / SBs / SSBs will maintain and share appropriately. However, the UK CES and LSC will jointly publish a definitive update of key qualifications and timescales for development onto the QCF in March 2009,  

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2 See paragraphs 293 – 323 LSC Funding Guidance 2008/09: Principles, Rules and Regulations
and a revised version in June 2009. The LSC intends to signal the direction of travel and key messages signalled in SQS APs in order to inform commissioning and funding for 2009/10.

**Ineligible Qualifications**

12 This briefing also provides details of those qualifications which SSCs / SBs / SSBs have advised should be ineligible for funding from 2009/10 under the adult learner and employer responsive model.

13 LSC and SSCs / SBs / SSBs have worked together to ensure that the decisions to recommend ineligible qualifications is based on sound evidence and discussion with key stakeholders. We have also taken into consideration work carried out by the Federation of Awarding Bodies (FAB) and Joint Council for General Qualifications (JCQ) with regard to preparatory rationalisation of qualifications.

14 From 1 August 2009 vocational qualifications (identified in the first phase of SQS action plans) falling in one or more of the following categories will no longer be eligible for funding:

   a. there is or will be a replacement qualification within the QCF for delivery in 2009/10
   b. the qualification is customised to meet the specific needs of an employer
   c. there is no current identified sectoral need for the qualification
   d. the qualification is not fit for purpose.

**Next Steps**

15 The list of vocational qualifications no longer eligible from 1 August 2009 for new learners under the adult learner and employer responsive model is available on the internet: [http://qfr.lsc.gov.uk/ukvqrp/support](http://qfr.lsc.gov.uk/ukvqrp/support). Learners who enrolled on these qualifications before 1 August 2009 will continue to be funded in order for them to complete their learning programme.

16 Organisations or individuals wishing to appeal against the decision to make one or more of these qualifications ineligible for funding have until 20 March to do so. The appeal may be on the grounds that the removal of funding will have an adverse, unreasonable or uneven impact on an individual and/or organisation in 2009/10 only or in both 2009/10 and 2010/11. Details of the draft appeal process and the grounds for appeal are outlined in Annex A. There will only be two opportunities for appeal:

   a. **By Friday 30 January 2009** to be considered by the appeal panel during March 2009
   b. **By Friday 20 March 2009** to be considered by the appeal panel during May 2009.

17 There will be no further opportunity after 20 March to submit an appeal for decisions taking effect from 1 August 2009. This is to enable the final list of vocational qualifications for which funding is no longer available from 2009/10...
to be published in June 2009. The final list will reflect the decisions made following the appeals.

18 Following the publication of the list the LSC will continue to make ineligible for funding those qualifications which are replaced by new qualifications accredited onto the QCF. The LSC will take into account the timing of any funding changes so that learners and providers are not disadvantaged and will normally ensure that such changes are not implemented in-year. However, the LSC will expect providers to start delivering new QCF qualifications instead of their predecessor NQF qualifications as they become available for delivery. This will be in preparation for the focusing funding on QCF provision from 1 August 2010 for:

- vocational qualifications for adults
- entry level and level 1 qualifications (Foundation Learning Tier)
- Apprenticeships
- Functional Skills.

March 2009 Update

19 We will continue to work with those SSCs, SBs and SSBs who were not included in this first tranche of work and we plan to publish a further list of qualifications which LSC is advised should no longer be eligible for public funding in March 2009.

20 The March publication will also reflect and bring into a single place qualifications drawn from SSC/ SB and SSB action plan templates where key qualifications accredited into/planned for development for the QCF and identified as priorities for public funding are identified and where funding will be focussed.
Annex A: Process to appeal the decision on withdrawing of funding for qualifications

Purpose

21 This note is for providers, awarding organisations and Sector Skills Councils. It sets out the process for appeal against the LSC decision to cease funding for one or more qualifications for new learners under the adult learner responsive and employer learner responsive model for 2009/10 and onwards as set out in the document above.

Background

22 The UK Vocational Qualifications Reform Programme (UK VQRP) is a UK wide programme for the reform of vocational qualifications for adults only.

23 The key objectives of the UK VQRP are the:
- reform and rationalisation of sector qualifications and other learning provision – which the UK Commission for Employment and Skills (UKCES) leads on
- redesign of the current National Qualifications Framework (NQF) and the development of a proposed qualifications and credit framework (QCF) which will articulate with the Scottish Credit and Qualification Framework, UK Higher Education frameworks and the proposed European Credit and Qualifications Frameworks – which the Qualifications and Curriculum Agency (QCA) leads on
- establishment of planning, funding and delivery arrangements to support the objectives of the reform programme in England – which the LSC leads on.

24 In December 2007 the LSC published the Addendum to the Statement of Priorities: Aligning Public Funding with Priority Vocational Qualifications in England which marked the beginning of the process whereby Sector Skills Councils advise the LSC on which qualifications should have priority to support the skill needs of their sectors, with a presumption that funding would be allocated accordingly to those sectors.

25 From August 2009 the LSC will no longer fund those vocational qualifications recommended by the SSC concerned. The list of affected units is available on the internet: http://qfr.lsc.gov.uk/ukvqrp/support.

Grounds for appeal

26 Appeals can be made by individuals or organisations on the grounds that the loss of public funding for a particular qualification will have an adverse, unreasonable or uneven impact on an individual and/or organisation in:
- 2009/10 only and therefore funding can be stopped from 2010/11 and onwards
27 An adverse, unreasonable or uneven impact on an individual and/or organisation may be where loss of public funding of the qualification results in:

- limited or no availability of, and access to, learning at that level in that sector when there is an identified need
- an adverse impact on a particular group of learners or learner cohort
- destabilisation and/or narrowing of the provider base in a region or sector
- disadvantaging one particular organisation over other organisations working in the same sector, qualification level or geographical area
- a negative impact on the planning and quality of delivery in 2009/10, for example limited availability of curriculum material to support delivery of new qualifications or the replacement qualification is not available in time to plan for delivery
- an adverse impact for learners below the age of 19
- an adverse impact on local or regional strategic learning.

28 The criteria above will be used by the LSC to determine whether appeals made to the LSC are on reasonable grounds.

29 An appeal can only be made on the grounds described above therefore the following areas will be out of scope; concerns around the:

- structure of the qualification
- qualifications approval system
- accreditation or regulation of the qualification.

Making an appeal

30 An overview of the appeal process is outlined in Annex B.

31 An appeal must be made in writing and by the individual(s) or organisation(s) making the appeal (appellant) to Dilveer Brainch, Adult and Lifelong Learning, Learning and Skills Council, Cheylesmore House, Quinton Road, Coventry, CV1 2WT or Dilveer.Brainch@lsc.gov.uk using the appeals pro forma provided in Annex C.

32 The appeal form must include details of the grounds for the appeal and have attached supporting evidence. In the appeal process, the appeal form is extremely important in helping the appeal panel understand the appellant’s position and as much detail as possible should be given.

33 There will be two opportunities to appeal against the decision to no longer fund certain qualifications in 2009/10:

a The first date to submit a appeal (which includes completed appeal form and supporting evidence) is Friday 30 January 2009 to be considered by the appeal panel during March 2009
b The second and final date to submit an appeal (which includes completed appeal form and supporting evidence) is Friday 20 March 2009 to be considered by the appeal panel during May 2009. Please note there will be no further opportunity to submit an appeal after 20 March 2009.

34 All appeal forms and supporting evidence must be submitted to the LSC by either Friday 30 January 2009 or Friday 20 March 2009. Late submission of the appeal form, evidence or other supporting information will mean that the appeal may not be considered by the appeal panel for decisions taking effect from 1 August 2009.

35 Upon receiving the appeal the LSC will review the documentation to ensure that the appeal is made on valid grounds. The appellant will receive within 10 working days a written acknowledgement confirming whether there are valid grounds for appeal. If there are valid grounds for appeal, an indication will be given of when the appeal panel will review the submission and when a decision will be communicated to the appellant.

36 Upon confirmation that the appeal has been made on valid grounds the LSC will contact the relevant Sector Skills Council requesting a response to the appeal within 10 working days of receiving the request.

37 The Sector Skills Council's response will be shared with the appellant to provide an opportunity for the appellant to provide further evidence in support of their appeal. Where appellants wish to provide further evidence this should be submitted in writing to Dilveer Brainch at the LSC within 10 working days of receiving the Sector Skills Council response.

38 The appeals panel will be convened in March 2009 to consider appeals submitted by 30 January 2009 and will be convened in May 2009 to consider appeals submitted by 20 March 2009.

The Appeal Panel

39 All appeals will be heard by the appeal panel. The appeal panel will be chaired by a person who is independent (therefore not a LSC employee) and will have members with technical and sector expertise drawn from the LSC, the Alliance of Sector Skills Councils, the Association of Colleges, the Association of Learning Providers, a representative from the National Learner Panel and other stakeholders as required. The panel will ensure that no member has a conflict of interest with appeals being heard by the panel.

40 Attendance by the appellant or the Sector Skills Council providing evidence against the appeal is not required at panel meetings.

41 The appeals panel will meet twice (March and May 2009) to hear any appeals that the LSC receive for decisions effective from 1 August 2009.

42 The appeal panel will review the evidence to decide whether the decision to withdraw public funding for a qualification:

   a is valid;

   b is valid but should be postponed for a year or two years;
c is no longer valid based on the new information received and therefore the LSC will continue to fund the qualification. Such decisions will be reviewed (in conjunction with Sector Skill Councils) annually to see if there is any change on the impact on individuals or organisations.

43 The terms of reference of the appeal panel are to consider whether:
   a the rationale behind the Sector Skills Council advice to the LSC is sound
   b new information is now available which was not available at the time of the Sector Skills Council's advice to the LSC
   c further time is needed before public funding for the qualification is withdrawn to allow time for transition?

Outcome of the appeal

44 The appeal panel will make recommendations to David Cragg, Regional Director of LSC Birmingham and Solihull who has delegated authority to make the final decision on behalf of the LSC. The appellant will be informed of the decision by letter within 10 working days of the recommendation being made to the Director by the appeal panel.

45 The decision is final and there are no further grounds for appeal. However appellants who are dissatisfied with the way in which their appeal has been handled may complain using the procedure for dealing with complaints about the LSC.
Annex B: Overview of the appeal process

A provision list of qualifications whose funding will cease under the adult learner responsive model and employer responsive model for new starts in 2008/09 is published in October 2008

A appeal is submitted by an individual(s) or organisation(s)

Appeal is reviewed by the LSC to determine that it is valid

Valid

Valid

The relevant Sector Skills Council is asked to provide relevant evidence against the appeal

Appellant is informed that the appeal will be forwarded to the appeal panel for consideration and timescales will be provided for when a decision will be made

Evidence provided by the Sector Skills Council is shared with the appellant to provide an opportunity for the appellant to provide further information

Appellant provides additional evidence to support their original appeal

Appeals Panel is convened to review and consider the evidence from the appellant and Sector Skills Council and/or other appropriate bodies

On the basis of the evidence presented to the Appeal Panel the panel recommends to the LSC to reinstate funding for the qualification and to review the funding status of the qualification annually

On the basis of the evidence presented to the Appeal Panel the panel recommends to the LSC to reinstate funding for the qualification for an interim period after which funding will be turned off for that qualification

Recommendations of the Appeal Panel are presented to a Director at the LSC with delegated to make the final decision on behalf of the LSC

Appellant and Sector Skills Council are informed of the final decision

Not valid

Appellant is informed that the grounds for appeal were not valid

Appellant does not provide additional evidence to support their original appeal
Annex C: Pro forma for Appeals

1. Name of Appellant:

________________________________________________________________________

2. Organisation the Appellant is representing (if appropriate):

________________________________________________________________________

3. Appellant name, address, contact telephone number and e-mail address:

________________________________________________________________________

________________________________________________________________________

4. Please confirm that the appeal is being made on the grounds that there is an adverse, unreasonable or uneven impact on an individual and/or organisation in:

☐ 2009/10 only OR
☐ 2009/10 and 2010/11
5. Please outline the details for the grounds for your appeal referencing additional supporting information:

³ Please see the process for appeals (Annex A) for guidance on this section
6. Please list any additional documents that you have attached to the form to support your appeal:

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Please return the form and the additional supporting information to Dilveer Brainch either by post or e-mail:

Dilveer Brainch
Adult and Lifelong Learning
The Learning and Skills Council
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

or:

Dilveer.Brainch@lsc.gov.uk