

**Process to Challenge the Withdrawal of  
Funding for National Qualification  
Framework (NVQ) Qualifications on 31  
December 2010**

**30 September 2010**

## Purpose

1. This document is intended for Providers, awarding organisations (AOs), Sector Skills Councils and sector bodies (hereafter referred to as SSCs).
2. It sets out the process for challenging the Skills Funding Agency's (the Agency) decision to cease funding for new starts for National Qualification Framework (NQF) qualifications across the **Adult Learner Responsive** and **Train to Gain** funding streams on the **31 of December 2010 or the accreditation/operational end date**, whichever is sooner. This process is part of the Agency's work to implement the Qualifications and Credit Framework (QCF) and to manage the transition of funding from NQF to QCF qualifications. This forms the second phase of funding transition to the QCF. Going forward, the Agency will publish an annual list of qualifications which are subject to funding review in January 2011.
3. Please note that this process only applies to post 19 learners in England and is focused on **new starts**. Therefore where learners have started the qualifications before the last date for new starts they will be supported to complete the qualification.
4. This process does not apply to NQF provision in Apprenticeship Frameworks which may continue as the timescales for the refreshing of frameworks to ensure they are drawn from QCF provision and are SASE compliant is different. Further information can be found in the [July Policy Update](#).
5. The list of NQF qualifications for which Skills Funding Agency funding will be removed is published on the [Agency's website](#).

## Background

6. The implementation of the QCF is part of the wider programme of vocational qualification reform for adults. The aim of vocational qualification reform is to create a qualifications system in the UK:
  - based on learner and employer needs
  - with greater clarity and more flexibility and choice
  - encouraging a more skilled and productive workforce
  - allowing individuals to fulfill their potential; and
  - supporting greater social justice and opportunity.
7. The Skills Funding Agency (and its predecessor organisation the Learning and Skills Council) has been working with a range of delivery partners to take forward vocational qualification reform and the implementation of the QCF. Further information can be found on the [QCF website](#).
8. The Agency has stated its commitment to focus funding on provision from the QCF and to move towards funding a comprehensive QCF offer from January 2011. As part of the transition to the QCF the Agency has embarked upon a process of removing funding for NQF qualifications. The Agency is doing this in three stages. The first tranche of turning off funding for NQF qualifications took place in July 2010. The second tranche is taking place in September 2010 and the final tranche will take place in January 2011 for the small number of NQF qualifications where the appropriate QCF offer will not be available until early 2011.
9. Following the first tranche of turning off funding for NQF qualifications, 2,117 NQF qualifications had funding cease for new starts from the 31 July 2010. Challenges were upheld for 345 NQF qualifications which had funding extended until the 31 December 2010 for new starts or the accreditation/operational end date, which ever is sooner.
10. This document outlines the process to cease funding for the NQF qualifications where an appropriate QCF offer has been accredited and is ready for delivery.

## End of September Published List

11. The list for the removal of funding published on the 30 September, identifies:
  - those NQF qualifications where appropriate QCF qualifications are already accredited, available for delivery and confirmed for funding <sup>1</sup>
  - a small minority of NQF qualifications where QCF qualification will be accredited, available for delivery and confirmed for funding no later than end November 2010.
12. As identified above the list includes those NQF qualifications where for certain sectors or levels, the appropriate QCF offer is anticipated to be in place and available for delivery no later than end November. We realise that this may constrain readiness to deliver but wished to include these qualifications in order to support as broad a QCF as possible and in the context that historically the majority of new starts tend to come towards March rather than January. However, we are aware of the risks of including these NQF qualifications and do expect a number of challenges to be focused on these NQF qualifications.
13. During the process of compiling the lists we have used information from the UK Commission of Employment and Skills (UKCES) action plan database to gather information on both anticipated availability of QCF provision as well as where, in certain sectors, there may be delays in the transition. We have also received feedback from SSCs and AOs and have discussed the lists and process with the Association of Colleges (AoC) and the Association of Learning Providers (ALP).

## End of January Published List

14. There will be a small group of NQF qualifications where the appropriate QCF offer will not be ready for delivery in 2010. These qualifications will be reviewed in January 2011 and it is intended that these qualifications will be funded on an exceptional basis and funding will cease for new starts on 31 March 2011 or the accreditation/operational end date, whichever ever is sooner.
15. A list of those NQF qualifications where funding for new starts will continue is published alongside the 'NQF turn off' list on 30 September 2010. We **do not** expect challenges to this list as this provision is continuing and will be subject to review in January 2011.

## The Challenge Criteria

16. On the 30 September 2010 the NQF September 'turn off' list will be published. Alongside the publication of the list will be the challenge process allowing organisations to submit challenges to the Agency's proposal to cease funding for new starts for a particular NQF qualification.
17. Organisations submitting a challenge will need to follow the guidance and process laid out in this document and complete the forms found on the [QCF Website](#).
18. Challenges will only be considered where removal of funding for new starts for a qualification will have an adverse, unreasonable or uneven impact on an individual and/or organisation. As indicated above, in the main we expect challenges to be focussed on those NQF qualifications highlighted where the appropriate QCF offer will be available between the end of September and end of November 2010 and where there is a risk around provider readiness to deliver.

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<sup>1</sup> Qualifications confirmed for funding can be found on the list on [this website](#)

19. An adverse, unreasonable or uneven impact on an individual and/or organisation can be defined as situations whereby the removal of 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
  - impact on a particular group of learners or learner cohort
  - destabilising and/or narrowing the provider base in a region or sector.
20. A challenge should only be made on the grounds described above in paragraph 19.

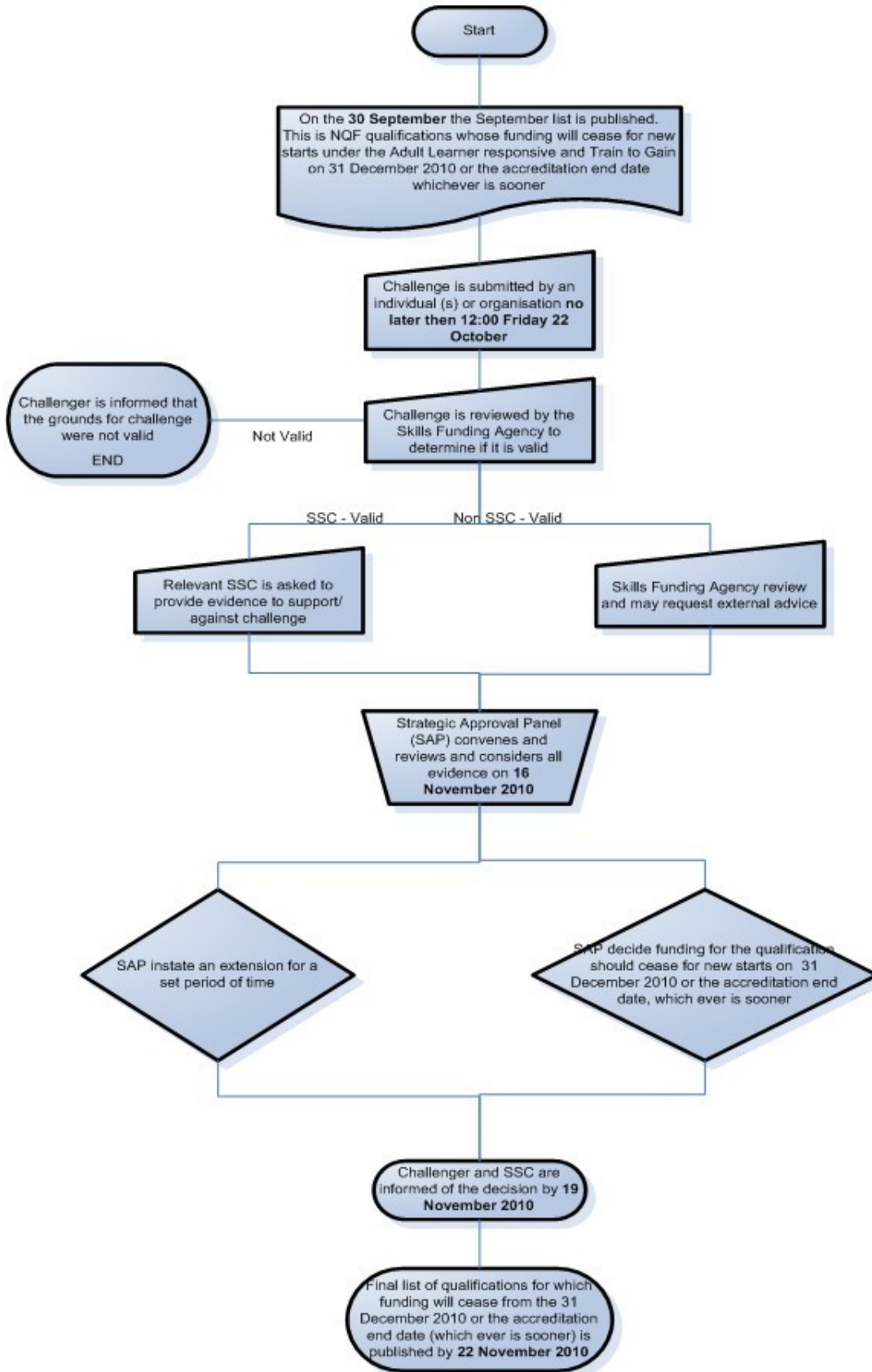
## Making a Challenge

21. An overview of the challenge process is outlined in annex 1.
22. Following the publication of the NQF 'turn off' list on 30 September 2010, the challenge process will be live and will run from 1 October 2010 to 12.00 pm (noon) on 22 October 2010. Challengers will be informed the outcome of the challenge by 19 November 2010.
23. Requests for a challenge must be made in writing to the Skills Funding Agency at [qcfpolicy@skillsfundingagency.bis.gov.uk](mailto:qcfpolicy@skillsfundingagency.bis.gov.uk) using the challenge forms found on the [QCF website](#). If an organisation and/or individual are challenging more than one qualification then one challenge form must be used for each qualification being challenged and in addition to the challenge forms the form entitled "*Summary of Challenges*" should be completed. The "*Summary of Challenges*" form will allow the Agency to validate that all challenge forms have been received.
24. All challenge forms, summary of qualifications being challenged and supporting evidence must be submitted to the Skills Funding Agency by 12:00pm (noon) on **Friday 22 October 2010**. Late submission of the challenge form, summary of challenges form, evidence or other supporting information will mean that the challenge will not be considered.
25. On receipt of the challenges the Agency will review the documentation to ensure that the challenge is made on valid grounds. A challenge will be considered valid if:
- it is based on the challenge criteria (paragraph 19)
  - the qualification being challenged is on the September turn off list
  - the qualification is currently in receipt of public funding in either Train to Gain and/or Adult Learner Responsive for new starts
  - the challenge is related to funding for learners aged 19 and above.
26. The Challenger will receive written acknowledgement of receipt of the challenge within two working days and will be informed in three working days if the challenge has been made on valid grounds.
27. Upon confirming that the challenge is valid the Agency will undertake a risk impact assessment which considers enrolments, learner profile (gender, age, learning difficulties and disabilities and ethnicity), provider profile and suitable replacement in the QCF (where appropriate).
28. The Agency will contact the relevant SSC (where it is a vocational qualification) within whose sector footprint the qualification falls to provide in writing any relevant evidence against/supporting the challenge within five working days of receiving the request.
29. The challenge will be reviewed in light of the evidence received from the SSC (where appropriate) and the results of the risk impact assessment and a recommendation with this evidence will be submitted to the Agency's Strategic Approvals Panel (chaired by

the Director of Provider Services and with representation from AoC and ALP) at its meeting on 16 November 2010.

30. The Panel will review all the evidence provided and will consider:
  - the rationale underpinning SSC advice (where appropriate) to the Agency provides sufficient basis for a decision
  - any new information available which was not available at the time of the SSC advice to the Agency which would have resulted in a change to the decision
  - where a QCF offer is not available and further time is needed before funding is turned off to allow for the transition from NQF to QCF qualification.
31. Taking the views of the Strategic Approval Panel the Chair who has delegated authority from the Chief Executive of the Skills Funding Agency will make the final decision on whether the challenge should be upheld. If a challenge is upheld it will have funding extended to the 31 March 2011 or its accreditation/operation end dates (whichever is sooner) and will be reviewed again in January.
32. The Challenger will be informed of the decision by the Agency by e-mail by 19 November 2010.
33. The decision is final and there are no further grounds for appeal.
34. A revised list of NQF qualifications where funding will cease from 31 December 2010 or the accreditation/operational end date, which ever is sooner, will be published by the 22 November 2010 on the [QCF website](#).

# Annex 1: Overview of the challenge process



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