Terms and conditions for approval of higher technical qualifications by the Institute

Institute for Apprenticeships and Technical Education
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Section 1 – Introduction

1.1 With the Institute taking on the role of approving higher technical qualifications there is a need to establish a set of terms and conditions between the Institute and organisations submitting level 4 or level 5 qualifications to be approved by the Institute as higher technical qualifications (‘awarding bodies’).

1.2 This document sets out the terms and conditions that awarding bodies will need to satisfy:

   a. at the point of submission of their level 4 or 5 qualifications for approval by the Institute for Apprenticeships and Technical Education (the Institute) and
   b. for the duration of approval (the ‘terms and conditions’).

1.3 The Institute wants awarding bodies to understand the terms and conditions from the outset, be confident that they can satisfy the terms and conditions and show that the arrangements are not burdensome.

1.4 The Institute is therefore incorporating the terms and conditions into the online higher technical qualification approval application process. Awarding bodies seeking higher technical qualification approval will be requested to agree to the terms and conditions via a simple “we agree to” check box exercise, and no signatures will be required.

1.5 The terms and conditions will not prevent the Institute from exercising any of its statutory functions.
Section 2 – Terms and conditions

2.1 The terms and conditions have been divided up into two sections as follows:
   
   a. conditions of application, which must be met and accepted by an awarding body at the point of application.

   b. conditions of approval, which must be accepted by an awarding body at the point that the application is approved and met thereafter for the duration of approval.

2.2 The terms and conditions are set out below:
Section 3 – Conditions of application (to be met and accepted by us at the point of application)

3.1 We confirm that we own all of the intellectual property (including the copyright) in the documents submitted as part of the higher technical qualification approval process, or, where a third party owns all or any intellectual property in any of the documents, we confirm that we have obtained any necessary licenses, permissions or consents from that third party to enable us to use and submit the documents in support of our application for higher technical qualification approval and for the Institute to use and publish all and any of the documents for the purposes of a public consultation exercise.

3.2 We are of the view that the submitted documents and the information contained in the application form meet the Institute’s approvals criteria.

3.3 We acknowledge that approval is subject to meeting the Institute’s approvals criteria and that the Institute will make a determination as to whether the higher technical qualification is approved in accordance with its published processes.

3.4 We agree to the Institute undertaking a public consultation on the qualification documents that we have submitted as part of the higher technical qualification approval process (‘the qualification materials’), and for the qualification materials to be published for the purpose of that public consultation. We understand that if we have any concerns about the Institute publishing any of the qualification materials then we will raise these with the Institute at the application stage. The Institute will engage with us as to whether or not the public consultation can proceed and for the avoidance of doubt, the Institute will not publish any of our qualification materials where we have raised any such concerns with the Institute. The Institute may need to publish additional qualification materials that we hold further to those that we have submitted with our application as part of the higher technical qualification approval process in order to consult meaningfully, and we accept that we may be required to submit these additional qualification materials (should this be agreeable) as part of the higher technical qualification approval process for that purpose.

3.5 We understand that, in certain circumstances, copyright in the relevant course documents may transfer to the Institute in the event that our higher technical qualification is approved and that in order to determine whether copyright transfers, the Institute will follow the process outlined in the copyright transfer criteria guidance. The Institute will, prior to any approval of the higher technical qualification, inform us if any of the relevant course documents are likely to be transferred in such a manner, and in such circumstances, we will also have the opportunity to withdraw from the approval process.

3.6 We will have the opportunity to reconsider our application at the point of approval, and should we wish to withdraw from the approval process then we will be free to do so (for example in the event that the Institute informs us that copyright in our relevant course documents is likely to transfer to the Institute).
Section 4 – Conditions of approval (to be met for the duration of approval and accepted by us at the point that the application is approved)

4.1 Subject to conditions 4.3 and 4.6 below, we accept that the duration of the approval will be for an initial period of 5 years (the ‘initial approval period’) and will apply to all higher technical qualifications in all occupations that are approved. Prior to the end of the initial approval period, the Institute will conduct a review of our higher technical qualification approval status for the purpose of determining whether approval should continue or be withdrawn (‘higher technical qualification review’). The Institute will engage with us throughout the higher technical qualification review and we will be able to provide any relevant information that we consider appropriate in support of the continuation of higher technical qualification approval. However, we accept that it is the Institute’s sole decision whether to continue higher technical qualification approval after the initial approval period or withdraw higher technical qualification approval at the end of the initial approval period. We agree to cooperate with the Institute and provide all such reasonable assistance as may be required to conduct and complete the higher technical qualification review. We accept that, as part of the higher technical qualification review, the Institute will consider all relevant information and circumstances (including any information provided by us), including but not limited to whether any modifications to the qualification are needed, whether the approval criteria continue to be met and/or whether continued higher technical qualification approval is in the best interest of employers. (Please see explanatory note about duration of approval for more details)

4.2 If the approvals criteria are not met or we are no longer regulated by Ofqual or OfS, we accept that approval may be withdrawn.

4.3 We will inform the Institute promptly of any major changes that we intend to make to the approved higher technical qualification or its content and comply with any advice given to us by the Institute prior to making any such changes or updates. We accept that approval may be withdrawn if we make any major changes which are not consistent with the advice given by the Institute. (Please see explanatory note about major and minor changes for more details)

4.4 If we decide to cease delivery of the qualification during the duration of approval, we will inform the Institute of our decision promptly, so that the Institute can consider whether or not to withdraw its approval.

4.5 Where necessary, following advice from the Institute, we will update qualifications following changes to occupational standards within 12 months of a new standard being published. (Please see explanatory note about reviewing qualifications in line with the Institute’s revisions process for more details)

4.6 We accept that the Institute may withdraw approval at any time if it considers that the approval criteria are no longer met (for example, if the standard against which the qualification was approved is withdrawn) or there is other good reason to withdraw approval (for example if the qualification has fallen out of use). Approval may be withdrawn in the event that the Institute considers we have failed to adhere to any of these terms and conditions. If the Institute is considering withdrawal of approval in any circumstances (including higher technical qualification review) this will be discussed with us.
4.7 In “Reforming Higher Technical Education: Government Response”, published in July 2020, the government confirmed that Institute-approved higher technical qualifications will be clearly badged with a government-backed brand/quality mark, so that they are readily identifiable and signal high quality to learners and employers. This will be accompanied by a public communications campaign, employer engagement and improvements to information, advice and guidance to raise awareness and understanding of higher technical education and the approved higher technical qualifications. Development of the quality mark and associated branding is in progress. The terms and conditions for usage of the quality mark and associated branding will be shared with us (and our delivery partners) by the end of the approval process in spring/summer 2021. We will be expected to agree to these terms and conditions when they are published.
Section 5 – Explanatory Notes

This section forms part of the terms and conditions and provides further details about certain conditions of approval outlined in Section 4.

DURATION OF APPROVAL AND REVIEW

5.1 The duration of approval for a higher technical qualification will be for an initial period of 5 years, subject to meeting the Institute’s approvals criteria, and will apply to all higher technical qualifications in all occupations that are approved.

5.2 The Institute reserves the right, at its discretion, to vary the approval period. Circumstances where the approval period may be varied include, but are not limited to the following: it could be increased if there have only been minor changes to the content of the qualification or the occupation it is aligned to during that period of time, or it could be decreased by the Institute if the Institute identifies further into the programme that durations of approval may have to be varied by higher technical qualification, route or occupation, or if there are substantial structural changes to the requirements of the occupational standard that warrant a review of approvals, or if the occupational standard is withdrawn or replaced.

5.3 Where changes or updates are made to a qualification with the Institute’s consent, the Institute may extend the initial period of approval. For example, if a change or update is made to a qualification say in the fourth year of approval then the Institute may take the decision to extend the duration of approval for another 5 years from that point.

5.4 Prior to the end of the initial approval period, the Institute will conduct a review of the qualification and will decide whether the higher technical qualification approval status should continue or be withdrawn (‘higher technical qualification review’). Awarding bodies will be able submit their qualification to the Institute for higher technical qualification review two years before the end of the initial approval period (i.e. in the third year of teaching). This allows enough time for the Institute to review the qualification and for providers to have had 12 months with any new qualification materials before the qualification is taught again in the next approval period.

MINOR AND MAJOR CHANGES MADE BY AWARDING BODIES

5.5 Over the duration of the 5-year approval period, the Institute expects that awarding bodies may need to make major or minor changes to their qualifications. The Institute will expect awarding bodies to make these changes in line with their own internal change processes and for any changes to have been completed before the end of the approval period.

5.6 Awarding Bodies must inform the Institute of any major changes which may impact on the qualification’s approval and on future use of the quality mark. Major changes are:
   a. any changes that will impact on the qualification’s coverage of knowledge, skills, and behaviours (KSBs) in the occupational standard and will therefore impact on the ability to meet the Institute’s criteria.
   b. any changes to the assessment methods of the higher technical qualification.
   c. substantial changes to any additional occupationally relevant content in the qualification (i.e. that content not aligned to the occupational standard).
d. any other changes which we consider to be substantial or the Institute has advised in advance to be substantial.

5.7 Minor changes, such as those set out below, do not impact on the qualification's approval and continued use of the quality mark. A change is considered minor if it does not prevent the qualification meeting the criteria which were applied when the higher technical qualification was approved. There is no requirement on awarding bodies to inform the Institute about these which include:
   a. correcting typos in the qualification
   b. updating names of components of the qualification
   c. updating definitions in the qualification
   d. making clarifications in the qualification
   e. making language changes in the qualification

REVIEWING QUALIFICATIONS WHEN OCCUPATIONAL STANDARDS ARE REVISED

5.8 Over the duration of the 5-year approval period, awarding bodies may need to make changes to qualifications as a result of revisions to the occupational standards they were approved against. These revisions are usually initiated by employers and the Institute will inform awarding bodies when occupational standards are revised. These may be changes to the content of the standard (as set out in the Institute's revisions and adjustments policy for occupational standards) or more fundamental changes to the occupation on which the standard is based. Where changes relate to content, awarding bodies should update the qualification where needed to align with the new requirements.

5.9 Awarding bodies will only be able to make changes once the recommendations from the Institute's revisions process have been addressed by the trailblazer group (who developed the occupational standard) and the revised occupational standard is published. The Institute will expect awarding bodies to make these changes 12 months after the revised occupational standard is published.

5.10 Revisions to standards as a result of changes to the occupation on which they are based are more complex and may result from employers no longer recognising an occupation. As a consequence, it may be necessary to withdraw a standard or amalgamate it with one or more others. When this happens, the Institute will contact the awarding body affected and discuss the impact on the approved higher technical qualification and the specific timelines for any resulting action. This may include the withdrawal of approval and the quality mark from the qualification over an agreed time period, in line with the withdrawal of the standard.