



# Qualifications Wales Act 2015

2015 anaw 5

## PART 4

### PRIORITY QUALIFICATIONS AND APPROVAL OF QUALIFICATIONS

#### *Priority qualifications*

#### **13 Duty to prepare list of priority qualifications**

- (1) Qualifications Wales and the Welsh Ministers must jointly prepare a list of qualifications, in respect of each of which the condition in subsection (2) is met.
- (2) The condition is that Qualifications Wales and the 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 regard to the needs of learners and employers in Wales.
- (3) The list may make provision by reference to qualifications, or descriptions of qualification.
- (4) The list must be published, in whatever way Qualifications Wales and the Welsh Ministers agree.
- (5) Qualifications Wales and the Welsh Ministers may jointly review the list and, if they consider it appropriate, revise it.
- (6) In this Act—
  - (a) references to a priority qualification are to a qualification included on the list, or to a qualification that is of a description included on the list;
  - (b) references to a restricted priority qualification are to a priority qualification in respect of which a determination under section 14 has effect;
  - (c) references to an unrestricted priority qualification are to a priority qualification in respect of which no determination under section 14 has effect.

## **14 Restricted priority qualifications**

- (1) Qualifications Wales may make a determination under this section in respect of a priority qualification if the condition in subsection (3) is met.
- (2) A determination under this section is a determination specifying the maximum number (being either one or more) of forms of the qualification that are to be capable of being approved under this Part at any one time.
- (3) The condition is that Qualifications Wales is satisfied that, having regard to the principal aims of Qualifications Wales, and to the objectives in subsection (4), it is desirable to restrict the number of forms of the qualification that are approved by Qualifications Wales under this Part to the maximum number that is specified in the determination.
- (4) The objectives are to—
  - (a) avoid inconsistency between different forms of the same qualification (whether by reference to the level of attainment indicated by different forms of the same qualification, or otherwise), and
  - (b) enable Qualifications Wales to exercise choice between different awarding bodies, in entering into arrangements under section 15, and between different forms of a qualification, in granting approval under section 17.
- (5) Qualifications Wales must publish a determination under this section.
- (6) Qualifications Wales must exercise its functions under sections 15 to 17 so as to secure that the number of forms of a restricted priority qualification approved by it under this Part does not exceed the maximum number specified in the determination under this section in respect of the qualification.
- (7) If Qualifications Wales proposes to make a determination under this section in respect of a qualification, it must before doing so—
  - (a) notify each recognised body, and any other person that Qualifications Wales considers might reasonably be expected to have an interest in the proposed determination, of the proposal, and
  - (b) consider any representations made to it by those persons in respect of the proposal.
- (8) A determination under this section may be revoked or varied; and the preceding provisions of this section apply for the purposes of a variation of a determination as if it was the making of a determination.

## **15 Power to make arrangements for development of restricted priority qualification**

- (1) Qualifications Wales may enter into arrangements with an awarding body the effect of which is to provide for the body to develop a new form of a restricted priority qualification, with a view to the prospective approval of that form of the qualification under section 16.
- (2) The arrangements may make provision about, among other things—
  - (a) criteria to be met by the form of the qualification to be developed;
  - (b) payments to be made by Qualifications Wales in respect of its development.
- (3) Qualifications Wales must prepare a scheme making provision about the making of arrangements under this section.

- (4) Qualifications Wales must exercise its functions in accordance with the scheme.
- (5) The scheme must provide for a procedure that is open, fair and transparent.
- (6) Qualifications Wales may revise the scheme.
- (7) The scheme must be published by Qualifications Wales.

**16 Approval of a restricted priority qualification developed in accordance with section 15 arrangements**

- (1) This section applies where a form of a restricted priority qualification has been developed by an awarding body in accordance with arrangements under section 15.
- (2) If the awarding body is recognised in respect of the award of the qualification concerned, it may make an application to Qualifications Wales for approval of the form of the qualification under this section.
- (3) Qualifications Wales must consider whether to approve the form of the qualification for award in Wales by the body concerned.
- (4) Qualifications Wales may if it considers it appropriate to do so approve the form of the qualification for award in Wales by the body concerned.
- (5) But this is subject to section 21 (power to specify minimum requirements).
- (6) For the purposes of this Part, the award of a form of a qualification in Wales is its award to persons assessed in respect of the qualification wholly or mainly in Wales.

**17 Approval of a restricted priority qualification in the absence of section 15 arrangements**

- (1) This section applies for the purpose of the approval by Qualifications Wales of a form of a qualification that is a restricted priority qualification, but in respect of which Qualifications Wales does not propose to enter into arrangements under section 15.
- (2) Qualifications Wales may, on an application from a body that is recognised in respect of the award of the qualification concerned, if it considers it appropriate to do so approve a form of the qualification for award in Wales by the body concerned.
- (3) Qualifications Wales must prepare a scheme making provision about—
  - (a) the making of applications for approval under subsection (2);
  - (b) the consideration by Qualifications Wales of those applications.
- (4) Qualifications Wales must exercise its functions in accordance with the scheme.
- (5) The scheme must provide for a procedure that is open, fair and transparent.
- (6) Qualifications Wales may revise the scheme.
- (7) The scheme must be published by Qualifications Wales.
- (8) Subsection (2) is subject to section 21 (power to specify minimum requirements).

## **18 Approval of unrestricted priority qualifications**

- (1) This section applies where an application is made to Qualifications Wales for approval of a form of an unrestricted priority qualification by an awarding body that is recognised in respect of the award of the qualification concerned.
- (2) Qualifications Wales must consider whether to approve the form of the qualification for award in Wales by the body concerned.
- (3) Qualifications Wales may if it considers it appropriate to do so approve the form of the qualification for award in Wales by the body concerned.
- (4) But this is subject to section 21 (power to specify minimum requirements).