

SCHEDULES

SCHEDULE 11

Section 175

THE QUALIFICATIONS AND CURRICULUM DEVELOPMENT AGENCY

Status

- 1 (1) The QCDA is not to be regarded—
 - (a) as a servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The QCDA's property is not to be regarded—
 - (a) as property of the Crown, or
 - (b) as property held on behalf of the Crown.

Membership

- 2 (1) The QCDA is to consist of—
 - (a) between 8 and 13 members appointed by the Secretary of State (the “ordinary members”), and
 - (b) the chief officer of the QCDA.
- (2) The Secretary of State—
 - (a) must appoint one of the ordinary members to chair the QCDA (“the chair”), and
 - (b) may appoint another ordinary member as deputy to the chair (“the deputy”).

Chief officer

- 3 (1) The chief officer is to be appointed by the QCDA, on conditions of service determined by the QCDA.
- (2) The appointment and conditions of service of the chief officer are subject to the approval of the Secretary of State.

Chair and chief officer: division of functions

- 4 (1) The Secretary of State may confer additional functions in relation to the QCDA on the chair.
- (2) The functions for the time being conferred on the chief officer of the QCDA must not include any function for the time being conferred under sub-paragraph (1) on the chair.

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Tenure

- 5 (1) The chair, the deputy and other ordinary members hold and vacate office in accordance with the terms of their appointments, subject to the following provisions of this Schedule.
- (2) An ordinary member must not be appointed for a term of more than 5 years.
- (3) The chair, the deputy and other ordinary members may resign from office at any time by giving written notice to the Secretary of State.
- (4) The Secretary of State may remove the deputy from office if the Secretary of State thinks it appropriate to do so.
- (5) The Secretary of State may remove an ordinary member from office on either of the following grounds—
- (a) inability or unfitness to carry out the duties of office;
 - (b) absence from the QCDA's meetings for a continuous period of more than 6 months without the QCDA's permission.
- (6) The previous appointment of a person as the chair, the deputy or another ordinary member does not affect the person's eligibility for re-appointment.
- (7) If the chair or the deputy ceases to be an ordinary member, the person also ceases to be the chair or the deputy.

Remuneration etc. of ordinary members

- 6 (1) The QCDA must, if the Secretary of State requires it to do so, pay remuneration, allowances and expenses to any of the ordinary members.
- (2) The QCDA must, if the Secretary of State requires it to do so, pay, or make provision for the payment of, a pension, allowances or gratuities to or in respect of a current or former ordinary member.
- (3) If a person ceases to be an ordinary member and the Secretary of State decides that the person should be compensated because of special circumstances, the QCDA must pay compensation to the person.
- (4) The amount of a payment under this paragraph is to be determined by the Secretary of State.

Staff

- 7 (1) The QCDA may appoint staff.
- (2) The following are to be determined by the QCDA with the approval of the Secretary of State—
- (a) the number of members of staff of the QCDA;
 - (b) their conditions of service.
- 8 (1) Employment with the QCDA is to be included among the kinds of employment to which a scheme under section 1 of the [Superannuation Act 1972 \(c. 11\)](#) (superannuation schemes as respects civil servants, etc.) can apply.
- (2) The QCDA must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of increases

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attributable to this paragraph in the sums payable under the [Superannuation Act 1972](#) out of money provided by Parliament.

- (3) Sub-paragraph (4) applies if a member of staff of the QCDA (“E”)—
- (a) is, by reference to employment with the QCDA, a participant in a scheme under section 1 of the [Superannuation Act 1972](#), and
 - (b) is also a member of the QCDA.
- (4) The Secretary of State may determine that E’s service as a member of the QCDA is to be treated for the purposes of the scheme as service as a member of staff of the QCDA (whether or not any benefits are payable to or in respect of E by virtue of paragraph 6(2)).

Committees

- 9 (1) The QCDA may establish committees, and any committee established under this sub-paragraph may establish sub-committees.
- (2) If so directed by the Secretary of State, the QCDA must establish a committee for the purpose specified in the direction.
- (3) A direction under sub-paragraph (2) may specify—
- (a) the number of members of the committee,
 - (b) the terms and conditions on which members of the committee hold and vacate office,
 - (c) the circumstances in which the committee may establish sub-committees, and
 - (d) the circumstances in which the QCDA can dissolve the committee and any sub-committee established by the committee.
- (4) The QCDA may—
- (a) dissolve a sub-committee established under sub-paragraph (1), or
 - (b) alter the purposes for which such a sub-committee is established.
- (5) In this Schedule a committee or sub-committee established under sub-paragraph (1) or (2) is referred to as a “QCDA committee”.
- (6) A QCDA committee must include at least one member of the QCDA or the QCDA’s staff.
- (7) The QCDA may arrange for the payment of remuneration, allowances and expenses to any person who—
- (a) is a member of a QCDA committee, but
 - (b) is not a member of the QCDA or the QCDA’s staff.
- (8) The QCDA must at least once in any 5 year period review—
- (a) the structure of QCDA committees, and
 - (b) the scope of each QCDA committee’s activities.
- (9) The first review under sub-paragraph (8) must be completed not later than the day which is the end of the period of 5 years beginning with the day on which section 175 comes into force.
- 10 (1) The QCDA and any other person may establish a committee jointly.

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- (2) In this Schedule a committee established under sub-paragraph (1) is referred to as a “joint committee”.
- (3) A joint committee may establish sub-committees.
- (4) In this Schedule a sub-committee established under sub-paragraph (3) is referred to as a “joint sub-committee”.
- (5) A joint committee and a joint sub-committee must include at least one member of the QCDA or the QCDA’s staff.
- (6) The QCDA may arrange for the payment of remuneration, allowances and expenses to any person who—
 - (a) is a member of a joint committee or a joint sub-committee, but
 - (b) is not a member of the QCDA or the QCDA’s staff.

Procedure etc.

- 11 (1) The QCDA may regulate—
 - (a) its own proceedings (including quorum), and
 - (b) the procedure (including quorum) of QCDA committees.
- (2) A joint committee may regulate—
 - (a) its own procedure (including quorum), and
 - (b) the procedure (including quorum) of any sub-committee established by it.
- (3) The validity of proceedings of the QCDA, or of a QCDA committee, joint committee or joint sub-committee is not affected by—
 - (a) a vacancy;
 - (b) a defective appointment.
- 12 (1) The following have the right to attend meetings of the QCDA, and of QCDA committees, joint committees and joint sub-committees—
 - (a) the Secretary of State;
 - (b) a representative of the Secretary of State;
 - (c) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
 - (d) a representative of the Chief Inspector;
 - (e) a representative of such other body as the Secretary of State may direct.
- (2) A person attending a meeting of the QCDA, or of a QCDA committee, joint committee or joint sub-committee under sub-paragraph (1) may take part in its deliberations (but not its decisions).
- (3) If a person with a right to attend a meeting of the QCDA, or of a QCDA committee, joint committee or joint sub-committee requests it, the QCDA must provide the person with all information relating to the meeting that—
 - (a) has been distributed to members of the QCDA or of the QCDA committee, joint committee or joint sub-committee, and
 - (b) is likely to be needed by the person in order to take part in the meeting.

Delegation

- 13 (1) The QCDA may delegate any of its functions to—

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- (a) a member of the QCDA or the QCDA's staff;
 - (b) a committee established by the QCDA;
 - (c) a joint committee.
- (2) A function is delegated under this paragraph to the extent and on the terms that the QCDA determines.
- 14 (1) A committee established by the QCDA or a joint committee may delegate any of its functions to a sub-committee established by it.
- (2) A function is delegated under this paragraph to the extent and on the terms that the committee determines.
- (3) The power of a committee established by the QCDA to delegate a function under this paragraph, and to determine the extent and terms of the delegation, are subject to the powers of the QCDA and (in the case of a committee established under paragraph 9(2)) the Secretary of State to direct what the committee may and may not do.
- (4) The power of a joint committee to delegate a function under this paragraph, and to determine the extent and terms of the delegation, are subject to the power of the QCDA and any other person with whom the QCDA established the joint committee to direct (acting jointly) what the committee may and may not do.
- 15 The Secretary of State may authorise any committee established under paragraph 9(2) to perform such of the QCDA's functions as are specified in the direction given under that provision.

Reports

- 16 (1) As soon as reasonably practicable after the end of each financial year the QCDA must prepare an annual report for the financial year.
- (2) The annual report must state how the QCDA has performed its functions in the financial year.
- (3) The QCDA must publish each annual report and send a copy to the Secretary of State.
- (4) The Secretary of State must lay before Parliament a copy of each annual report received under sub-paragraph (3).

Accounts

- 17 (1) The QCDA must—
- (a) keep proper accounts and proper records in relation to the accounts, and
 - (b) prepare annual accounts in respect of each financial year.
- (2) The annual accounts must comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in them,
 - (b) the manner in which the information contained in them is to be presented, or
 - (c) the methods and principles according to which the annual accounts are to be prepared.

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- (3) Before the end of the month of August next following each financial year, the QCDA must send copies of the annual accounts for the year to—
 - (a) the Secretary of State, and
 - (b) the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General must—
 - (a) examine, certify and report on the annual accounts, and
 - (b) give a copy of the report to the Secretary of State.
- (5) The Secretary of State must lay before Parliament—
 - (a) a copy of any annual accounts received under sub-paragraph (3), and
 - (b) a copy of each report received under sub-paragraph (4).

Documents

- 18 The application of the QCDA's seal is authenticated by the signatures of—
 - (a) two members of the QCDA, or
 - (b) one member of the QCDA and another person who has been authorised (generally or specifically) for that purpose by the QCDA.
- 19 Any document purporting to be an instrument made or issued by or on behalf of the QCDA, and to be duly executed by a person authorised by the QCDA in that behalf—
 - (a) is to be received in evidence, and
 - (b) is to be taken to be made or issued in that way, unless the contrary is shown.

Funding

- 20 (1) The Secretary of State may make grants to the QCDA.
- (2) Grants to the QCDA under this paragraph are to be made at such times and subject to such conditions (if any) as the Secretary of State thinks appropriate.

Supplementary powers

- 21 (1) The QCDA may do anything that it considers necessary or appropriate for the purposes of, or in connection with, its functions.
- (2) The power in sub-paragraph (1) is subject to any restrictions imposed by or under any provision of any Act.
- (3) The QCDA may not do either of the following without the consent of the Secretary of State—
 - (a) form bodies corporate or unincorporate;
 - (b) enter into joint ventures with other persons.