

QUALIFICATIONS WALES ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4: Priority Qualifications and Approval of Qualifications

Section 21: Power to specify minimum requirements

49. This section gives the Welsh Ministers the power to make regulations that set out requirements for a qualification in relation to the knowledge, skills and understanding (essentially the 'subject content') that are required to be addressed by approved forms of that qualification.
50. Qualifications Wales may specify content requirements for priority qualifications through the approval criteria and this may address any such requirements of the Welsh Ministers. In practice, it is envisaged that the power is unlikely to be used other than as a last resort in the event that Qualifications Wales should, in the view of the Welsh Ministers, fail to ensure that approval criteria address content requirements sufficiently. The Welsh Ministers will therefore be able to require that Qualifications Wales ensures that specific requirements are met where the Welsh Ministers think it necessary to ensure that the curriculum for a course leading to the qualification is appropriate for the reasonable needs of learners taking the course. This power reflects the Welsh Ministers' responsibilities in relation to the curriculum for schools under the Education Act 2002.
51. The Act sets out a number of conditions which must be met before the Welsh Ministers may make regulations. These conditions ensure that the regulations are only introduced with the purpose of ensuring that learners follow an appropriate curriculum. This need not necessarily be any published 'national curriculum' but the requirements set out in regulations must relate to the knowledge, skills and understanding that the learner must demonstrate for the purpose of determining whether a person is to be awarded the qualification. Before specifying minimum requirements, the Welsh Ministers must consult Qualifications Wales and others, as appropriate, giving reasons for proposing to specify minimum requirements.
52. The effect of introducing minimum requirements is that Qualifications Wales may not approve a form of that qualification unless it is satisfied that the qualification complies with the requirements set out in the regulations. The draft regulations must be approved by the National Assembly for Wales before they can be made and come into force (see section 55(2)).