

## SCHEDULE 1

(introduced by section 2)

### QUALIFICATIONS WALES

#### PART 1

#### ESTABLISHMENT OF QUALIFICATIONS WALES

##### *Status*

- 1 Qualifications Wales is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

##### *Membership*

- 2 Qualifications Wales is to consist of the following members—
- (a) a person appointed under paragraph 10 as the chief executive of Qualifications Wales (“the chief executive”);
  - (b) a person appointed by the Welsh Ministers to chair Qualifications Wales (“the chair”);
  - (c) at least eight and no more than ten other persons appointed by the Welsh Ministers under this paragraph (“ordinary members”).

##### *The chair and ordinary members*

- 3 (1) The chair and ordinary members hold and vacate office in accordance with the terms and conditions of their appointments.
- (2) Subject to the provisions of this Schedule, those terms and conditions are to be determined by the Welsh Ministers.
- 4 (1) A person is disqualified from being the chair or an ordinary member if the person is—
- (a) a member of an awarding body recognised by Qualifications Wales or a member of its staff;
  - (b) a Member of the National Assembly for Wales;
  - (c) a Member of the House of Commons or the House of Lords.
- (2) A person ceases to hold office as the chair or as an ordinary member if that person becomes disqualified.
- 5 (1) The chair is to be appointed for a term of up to three years.
- (2) A person may be reappointed as chair once only.
- 6 (1) Ordinary members are to be appointed for a term of up to three years.
- (2) A person who has held office as an ordinary member may be reappointed.
- (3) The terms of any reappointment may not permit an ordinary member to hold office for a total period of more than six years (whether or not continuous).
- (4) But where a person previously appointed as an ordinary member has not held office as such in an immediately preceding period of three years or more, that person’s

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previous period or periods of office as an ordinary member are to be disregarded for the purposes of sub-paragraph (3).

7 The chair or an ordinary member may resign from office at any time by giving written notice to the Welsh Ministers and to Qualifications Wales.

8 The Welsh Ministers may remove the chair or an ordinary member from office if they are satisfied that the person is unable or unfit to carry out the functions of office, or is otherwise failing to do so.

9 Qualifications Wales may, with the Welsh Ministers' approval, pay or make provision for the payment of remuneration, allowances and pension to, or in respect of, a person who is or has been the chair or an ordinary member.

*The chief executive and other staff*

10 (1) The first person appointed as chief executive is to be appointed by the Welsh Ministers—

- (a) on such terms and conditions (including conditions as to remuneration, allowances and pension) as the Welsh Ministers determine, and
- (b) for a term of up to three years.

(2) Subsequent appointments (or reappointments) of a person as chief executive are to be made by Qualifications Wales.

11 A person may not be appointed as chief executive if the person is—

- (a) a member of an awarding body recognised by Qualifications Wales or a member of its staff;
- (b) a Member of the National Assembly for Wales;
- (c) a Member of the House of Commons or the House of Lords.

12 The previous appointment of a person as chief executive does not affect the person's eligibility for reappointment.

13 The chief executive is a member of Qualifications Wales' staff.

14 Qualifications Wales may appoint other members of staff.

15 Except in relation to the first person appointed as chief executive under paragraph 10(1), the following are to be determined by Qualifications Wales, with the approval of the Welsh Ministers—

- (a) the terms and conditions of its staff (including remuneration and allowances);
- (b) the payment or provision for the payment of pension to or in respect of a member of its staff or a former member of staff.

16 Service as a member of Qualifications Wales' staff is not service in the civil service of the State.

*Committees*

17 (1) Qualifications Wales may establish committees.

(2) A committee established under this paragraph may—

- (a) establish sub-committees;
- (b) dissolve sub-committees established by it.

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- (3) Qualifications Wales may also dissolve sub-committees established under this paragraph.
  - (4) Qualifications Wales may pay remuneration and allowances to any person who—
    - (a) is a member of a committee or a sub-committee established under this paragraph, but
    - (b) is not a member of Qualifications Wales or a member of its staff.
- 18 (1) Qualifications Wales may, in connection with the exercise of its functions, establish a committee jointly with any person.
- (2) In this Schedule a committee established under this paragraph is referred to as a “joint committee”.
  - (3) A joint committee may establish sub-committees (“joint sub-committee”).
  - (4) Qualifications Wales may pay remuneration and allowances to any person who—
    - (a) is a member of a joint committee or a joint sub-committee, but
    - (b) is not a member of Qualifications Wales or a member of its staff.

#### *Delegation*

- 19 (1) Qualifications Wales may delegate any of its functions to—
  - (a) a member of Qualifications Wales or a member of its staff;
  - (b) a committee established by Qualifications Wales under paragraph 17;
  - (c) a joint committee.
- (2) A function is delegated under this paragraph to the extent and on the terms that Qualifications Wales determines.
- 20 (1) A committee established by Qualifications Wales under paragraph 17 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, but this is subject to any direction given by Qualifications Wales as to what a committee established by it may or may not do.
- 21 (1) 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 joint committee determines, but this is subject to any direction given by Qualifications Wales and the person with whom it established the joint committee as to what the joint committee may or may not do.

#### *Procedure*

- 22 Qualifications Wales may regulate—
  - (a) its own proceedings (including quorum), and
  - (b) the procedure (including quorum) of its committees (except joint committees).
- 23 A committee established by Qualifications Wales under paragraph 17 may regulate the procedure (including quorum) of any sub-committee established by it.

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- 24 A joint committee may regulate—
- (a) its own procedure (including quorum), and
  - (b) the procedure (including quorum) of any sub-committee established by it.
- 25 The validity of proceedings of Qualifications Wales, of a committee or sub-committee established under paragraph 17, or of a joint committee or a joint sub-committee, is not affected by—
- (a) a vacancy;
  - (b) a defective appointment.

#### *Register of interests*

- 26 (1) Qualifications Wales must establish and maintain a system for the declaration and registration of its members' interests.
- (2) Qualifications Wales must publish entries recorded in the register of members' interests.

#### *Supplementary powers*

- 27 (1) Qualifications Wales may do anything that it considers necessary or appropriate for the purposes of, or in connection with, its functions.
- (2) But Qualifications Wales may not, without the approval of the Welsh Ministers—
- (a) acquire or dispose of land or any other property, for consideration of an amount in excess of the expenditure threshold;
  - (b) borrow or lend money.
- (3) The expenditure threshold is whatever amount (if any) is specified in a notice given by the Welsh Ministers to Qualifications Wales for the purposes of this paragraph.
- (4) A notice under paragraph (3)—
- (a) may specify different thresholds for different kinds of land or other property, and
  - (b) may be varied or revoked by the Welsh Ministers.

#### *Annual and other reports*

- 28 (1) As soon as reasonably practicable after the end of each reporting period Qualifications Wales must prepare a report (“the annual report”) giving details of—
- (a) how Qualifications Wales has exercised its functions during the period (including by reference to its principal aims);
  - (b) Qualifications Wales' proposed activities and priorities for the next reporting period.
- (2) The information that is to be included under sub-paragraph (1)(a) includes (among other things)—
- (a) details of the conclusions of any assessment carried out by Qualifications Wales, during the reporting period, of the impact of the exercise of its functions on—
    - (i) the Welsh qualification system;
    - (ii) learners, employers and higher education institutions;

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- (b) details of how Qualifications Wales has involved stakeholders in the exercise of its functions during the reporting period;
  - (c) details of any conclusions reached, during the reporting period, as a result of any research carried out by or on behalf of Qualifications Wales under section 46(3).
- (3) In sub-paragraph (2)(b) “stakeholders” means those persons whom Qualifications Wales considers have an interest in the exercise of its functions.
- (4) The annual report may include any other information Qualifications Wales thinks fit.
- (5) In this paragraph “reporting period” means—
- (a) the period beginning with the day on which section 2(1) comes into force and ending with 31 August 2016; and
  - (b) subsequently, each successive period of 12 months.
- 29 Qualifications Wales must—
- (a) lay a copy of the annual report before the National Assembly for Wales;
  - (b) publish the annual report.
- 30 Qualifications Wales may if it thinks fit prepare and publish other reports on matters relating to its functions.

#### *Finance*

- 31 (1) The Welsh Ministers may make grants to Qualifications Wales of such amounts and subject to such terms and conditions (including as to repayment) as they may determine.
- (2) The Welsh Ministers must publish any terms and conditions to which grants made under sub-paragraph (1) are subject.

#### *Accounts and audit*

- 32 (1) Qualifications Wales must keep proper accounts and proper records in relation to the accounts.
- (2) Qualifications Wales must prepare a statement of accounts in respect of each financial year in accordance with directions given by the Welsh Ministers.
- (3) The directions may make provision as to—
- (a) the information to be contained in the statement;
  - (b) the manner in which the information is to be presented;
  - (c) the methods and principles according to which the statement is to be prepared;
  - (d) any additional information that is to accompany the statement.
- (4) The Welsh Ministers may vary or revoke a direction they have given under this paragraph.
- 33 (1) No later than 31 August after the end of each financial year Qualifications Wales must submit its statement of accounts to the Auditor General for Wales.
- (2) The Auditor General must—
- (a) examine, certify and report on the statement of accounts, and

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- (b) no later than 4 months after the statement was submitted, lay before the National Assembly for Wales a copy of the certified statement and report.
- 34 In paragraphs 32 and 33 “financial year” means—
- (a) the period beginning on the day on which section 2(1) comes into force and ending on the following 31 March;
  - (b) subsequently, each successive period of 12 months.

*Examination of use of resources*

- 35 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in discharging Qualifications Wales’ functions.
- (2) Sub-paragraph (1) is not to be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of Qualifications Wales.

## PART 2

### CONSEQUENTIAL AMENDMENTS

*Care Standards Act 2000 (c.14)*

- 36 In Schedule 2A to the Care Standards Act 2000 (persons subject to review by the commissioner under section 72B), after paragraph 10, insert—
- “10A Qualifications Wales.”

*Freedom of Information Act 2000 (c.36)*

- 37 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert—
- “Qualifications Wales.”

*Public Services Ombudsman (Wales) Act 2005 (c.10)*

- 38 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2005 (investigation of complaints etc: listed authorities), under the sub-heading “Education and training”, at the end insert—
- “Qualifications Wales.”

*Commissioner for Older People (Wales) Act 2006 (c.30)*

- 39 In Schedule 2 to the Commissioner for Older People (Wales) Act 2006 (persons whose functions are subject to review under section 3), under the sub-heading “Education and training”—
- (a) omit the entry “The Qualifications, Curriculum and Assessment Authority for Wales”, and
  - (b) at the end insert—
- “Qualifications Wales.”

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*Equality Act 2010 (c.15)*

- 40 In Part 2 of Schedule 19 to the Equality Act 2010 (public authorities subject to public sector equality duty: relevant Welsh authorities), under the sub-heading “Other educational bodies”, at the end insert—
- “Qualifications Wales.”